00110530

GOD
348·02954
Ind I Ind
110530

GOD
348.029 52
Fed I Ind
110530

Digitized with financial assistance from
Shri Brihad Bhartiya Samaj
on 31 October, 2019

BOMBAY BRANCH
OF THE
Royal Asiatic Society.

116530

INDEX

TO THE

ACTS OF THE GOVERNMENT OF INDIA,

FOR 1848.

A.	*Act.*	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1848.			
Abkarec—Persons guilty of the offence punishable under Section VII. Act XXV. of 1840, shall, on conviction, be punished by Magistrates, ...	XXIII.	I.	.....	Bengal Presidency.
Act VI. of 1848—Section III. of—amended in respect of free Ports, ...	VII.	I.		
Act XII. of 1839—and Act XII. of 1840—repealed, ..	IX.	I.		
Act VII. of 1843—Sec. XXXV. —repealed, ...	XIX.	I.		
Act XXV. of 1840—a clerical error in—amended, ...	XXIII.	I.		
Act IV. of 1848—extended to the Straits Settlement, ...	XXVI.	I.		
Act XII. of 1844—amended, ..	XXVII.			
Arracan Province—Ports in—exempted from the operation of Section III. Act VI. of 1848—(See Duties.)				

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
Assessments in the Straits Settlement—(See Straits Settlement.)				
B.				
Bunganapilly—The Jagheer of—restored to the Jagheerdar.—Authority of the Agent under Act X. of 1843 to cease from 1st January 1849, as to the district of,—	XXV.	I.	.....	Madras Presidency.
„ Proceedings of the Agent and his Assistants before the above date shall stand good.	„	II.		
„ The Foujdaree Adawlut shall continue to exercise their Appellate Jurisdiction both as to Criminal and Civil Proceedings held by the Agent before the above date, ...	„	III.		
„ Agent and Assistants how to be absolved from all responsibility for the Administration of,.....	„	IV.		
„ Control of the British Government to continue unabated over, ...	„	V.		
C.				
Calcutta — Improvement of—(See Improvement.)				
Collectors in the Lower Provinces of the Bengal Presi-				

[dency

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
dency may impose daily Fines on Proprietors or Farmers of Lands for better enforcing their attendance--(See Fines.)				
Commissions to be issued by the Supreme Court at Calcutta for taking Affidavits—(See Supreme Court.)				
Commissioners—(See Court of.)				
Coroner's Juries—(See Juries.)				
Coroner's Jury. Act IV. 1848 extended to the Straits Settlement, ...	XXVI.			
Court of Commissioners—proceedings of the—held under certain Proclamations declared valid, ...	XII.	I.	.....	Calcutta.
„ Powers given to the Commissioners by the 1st Proclamation shall extend and be deemed to have extended to matters determined under the several Proclamations, ...	„	II.		
„ Proceedings held by Commissioners singly declared valid, ...	„	III.		
„ Rules, Orders, Forms of Procedure and Tables of Fees declared valid, ...	„	IV.		
„ Process of the Court, on whatever day made returnable, declared valid, ...	„	V.		
Courts under the Royal Charter, and Insolvent Courts—Officers in—prohibited from				

[accepting

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
accepting rewards from persons, holding any Office in any Bank or Public Company, and carrying on dealings, ...	XV.	I.	.....	General.
Courts under the Royal Charter —The above provision shall not affect certain class of Officers,.....	,,	II.		
,, Officers may hold unpaid Offices in societies for charitable or scientific purposes, ...	,,	III.		
,, Penalty for offending against this Act, ...	,,	IV.		
Courts of District Moonsiffs in the Madras Presidency—Stamp duties substituted for Institution fees in—(See District Moonsiffs.)				
Courts—(Civil) in the Madras Presidency—refund of Stamp duties in certain cases—(See Stamp Duties.)				
Criminal Courts—Subordinate —(See Nizamut Adawlut and Foujdaree Adawlut.)				
D.				
District Moonsiffs—Stamp Duties to be levied instead of Institution fees in Civil actions in the Courts of— .... (See Regulations.)	XVII.	II.	.....	Madras Presidency.
Duties on Goods imported by Sea on Foreign Bottoms				

[equalized

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
equalized with those charged on Goods imported on British Bottoms, ...	VI.	I.	.....	General.
Duties—The same as regards Goods exported on Foreign Bottoms, ...	„	II.		
„ On Goods carried from Port to Port within the Company's Territories abolished,	„	III.		
„ Salt and Opium excepted, ..		IV.		
„ On Goods imported from, and exported to Ports in the Straits of Malacca, Tenasserim Provinces and Province of Arracan, to remain unaffected by Act VI. 1848,	VII.	I.		
„ Drawback not allowable upon re-export of Goods from Port to Port within the Company's Territories to which Sec. III. Act VI. of 1848, may extend,	„	II.		
E.				
Estate of the late Nuwab of Surat — Administration of the—(See Nuwab.)				
Export Duties—(See Duties.)				
F.				
Fines may be imposed by Collectors daily on Proprietors or Farmers of lands for non-attendance when summoned,	XX.	I.	.....	Bengal Division.

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
Fines—Collector shall report the imposition and levy of—to the Commissioner of Revenue,	XX.	II.		
„ Collector's orders shall be appealable to the Superior Authorities, ...	„	III.		
„ Maximum amount of—leviable by the Collector, ...	„	IV.		
„ Power of imposing—under certain Regulations to remain unaffected, ...	„	V.		
„ Meaning of the term Collector defined, ...	„	VI.		
„ Act not to extend to the North-Western Provinces, ..	„	VII.		
Foreign Bottoms — Duties on Goods imported on — (See Duties.)				
Forgery—Charges of—in respect to papers put in evidence in Civil or Criminal cases inadmissible before Mofussil Magistrates, ...	I.	I.	.....	Bengal Presidency.
„ Civil or Criminal Court may commit the accused party to the Magistrate. Powers vested in Sessions Judges in cases of—by Section VI. Regulation II. of 1807, to remain unaffected, ...	„	II.		
„ Form of Indictment for—Triable in Courts established by Royal Charter to be observed in future, ...	XXII.	I.	.....	H. M.'s Courts.

[Foujdaree

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
Foujdaree Adawlut in the Madras Presidency —Power of— to review sentences passed by Subordinate Courts—(See Nizamut Adawlut.)				
G.				
Gaming—(See Wagers.)				
Gangs of Thieves and Robbers —Persons belonging to—(See Robbers.)				
Governor General may exercise powers of the Governor General in Council during his absence from Calcutta—except such as may be exercised by the President in Council, and the power of making Laws, ...	XXIV.	I.		
,, Act when to take effect, ...		II.		
I.				
Import Duties—(See Duties.)				
Improvement of Calcutta — Commissioners may appoint Surveyor, Clerk and other Officers, ...	II.	I.	.....	Calcutta.
,, Powers to be exercised by Commissioners, Surveyor and Clerk for constructing Aqueducts, for bringing water into the Town from places without the local limits of the Supreme				

[Court,

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
Court, and the duty of District Magistrates in such cases,	II.	II.		
Improvement of Calcutta — Commissioners may execute works by contracts with Individuals and the powers vested in such contracting parties, ..	,,	III.		
,, Compensation to be made by Commissioners for damage done to houses, buildings, &c., and in case of disagreement as to the amount of such compensation the same how to be adjusted, ...	,,	IV.		
,, Penalty for persons obstructing Commissioners, &c. in the execution of their duty, ..	,,	V.		
,, Commissioners, &c. may enter into buildings without being liable to an action, ...	,,	VI.		
,, The management and control over streets and public thoroughfares and the buildings, materials, implements, &c. shall be the property of and vested in the Commissioners as Trustees, ...	,,	VII.		
,, Commissioners may pave and water the streets and thoroughfares, ...	,,	VIII.		
,, Commissioners shall keep in repair streets and thoroughfares and shall be liable to be indicted for not sufficiently repairing the same, ...	,,	IX.		

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
Improvement of Calcutta. — Penalty for displacing or making any alteration in the pavements, flags or other materials in any street without the Commissioners' consent or causing obstructions thereto, ...	II.	X.		
„ Commissioners shall open streets and thoroughfares according to plans and Estimates approved by the Governor of Bengal, ...	„	XI.		
„ Commissioners in conformity with Act XXII. of 1847 shall purchase houses, buildings and grounds for the execution of such plans, and proceed with the works without further reference to the said Governor, ...	„	XII.		
„ Sewerage and drainage of the Town how to be made, ...	„	XIII.		
„ Provision made for the supply of water for domestic and other purposes of the Town, ..	„	XIV.		
„ Sewers, drains, buildings, canals, aqueducts, tanks, wells, &c. applied to public use shall be the property of, and vested in the Commissioners, ...	„	XV.		
„ Provision made for effectual draining and cleansing of the whole Town, ...	„	XVI.		

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
Improvement of Calcutta.—Sewers how to be improved and stagnant pools, &c. drained off, ...	II.	XVII.		
„ Notice to be given to the Commissioners before laying the foundation of any new house or making any drain. In default of such notice what shall be the penalty, ...	„	XVIII.		
„ Persons may at their expense make or branch drains into any public sewer, ...	„	XIX.		
„ Commissioners may contract with Owners of houses for such works to be executed by the Surveyor, ...	„	XX.		
„ Effluvia arising from private sewers and drains how to be prevented, ...	„	XXI.		
„ What precautionary measures to be taken against danger when public thoroughfares, or sewers, or drains are making or are under repair, ...	„	XXII.		
„ Provision made for cleaning the streets, ways and thoroughfares and for the removal of dust, dirt, filth, &c,.	„	XXIII.		
„ Commissioners may sell the dust, filth, &c. so collected and apply the money for the purposes of this Act, ...	„	XXIV.		
„ Commissioners may sink wells and place pipes, &c. for water-				

[ing

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
ing the streets and excavate tanks for public convenience, Improvement of Calcutta. —	II.	XXV.		
„ Commissioners may make Bye-Laws for the purposes of health and cleanliness on certain points mentioned, ..	„	XXVI.		
„ Such Bye-Laws how to be of force, ...	„	XXVII.		
„ Bye-Laws how to be given publicity to, ...	„	XXVIII.		
„ Provisions relative to offences against this Act shall apply to offences against the Bye-Laws, ...	„	XXIX.		
„ Commissioners may direct prosecutions for public nuisances, order proceedings for the recovery of penalties and for the punishment of persons offending, and direct the expenses to be paid from the funds at their disposal, ...	„	XXX.		
„ Commissioners may sue and be sued, ...	„	XXXI.		
„ Nuisances to continue liable to be adjudged at Common Law, and persons guilty of nuisance at Common Law not to be exempted from prosecution or action in respect thereof, ...	„	XXXII.		
„ Commissioners may contract for the supply of water— and purchase water-works,				

[streams

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
streams of water; &c. &c., or take or grant leases thereof,..	II.	XXXIII.		
Improvement of Calcutta. — „ Commissioners may enter upon lands without consent of Owners for constructing water-works and prepare plans with books of reference. The same where to be deposited—and notice of such intended works how to be given, ...	„	XXXIV.		
„ Parties concerned how to be notified — and objections of persons aggrieved by such intended works how to be attended to and disposed of,	„	XXXV.		
„ Commissioners may make, alter or discontinue the water-works, ...	„	XXXVI.		
„ In making the works, the Commissioners shall keep within the limits of the deviation as marked in the plan, nor deviate into lands not mentioned, ...	„	XXXVII.		
„ Commissioners shall have the right of only laying pipes, culverts, aqueducts, &c. &c., in lands taken by virtue of compulsory powers of purchase, ...	„	XXXVIII.		
„ Commissioners may deposit on lands within a certain distance from the works, build-				

[ing

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1848.			
ing materials, and compensate the Owners for such temporary occupation or any injury done thereto, ...	II.	XXXIX.		
Improvement of Calcutta — Previous notice to be given to Owners of the intended occupation of lands, and the same how to be set apart, ...	,,	XL.		
,, Commissioners may settle the rent with the Owners of the lands, ...	,,	XLI.		
,, Reservoirs to be made for the irrigation of adjoining lands and for irrigating the same in those parts where the roads, &c. may be injured from the making of the reservoirs, ...	,,	XLII.		
,, Provision made for repairing streets, drains, &c. which may receive any damage on account of the construction of any work, ...	,,	XLIII.		
,, Water-works, Tanks, &c. shall be maintained by and continue under the control of the Commissioners and they may erect new ones for gratuitous supply of water, ...	,,	XLIV.		
,, Owners and occupiers of houses may deduct one-eighth from the rates payable by them for insufficient supply of water, ...	,,	XLV.		

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
Improvement of Calcutta — Penalty for offences causing the water to be fouled or corrupted,	II.	XLVI.		
„ Lamps for lighting the Town to be provided,	„	XLVII.		
„ Injury to, or abstracting any thing from the lamps how punishable,	„	XLVIII.		
„ Rule for regulating amends tendered for damages done by persons in the execution of this Act, before and after actions brought by the injured party,	„	XLIX.		
„ Disputes concerning damages, costs or expenses, the method of ascertaining the amount of which is not provided for, how to be determined and the damages how to be recovered,	„	L.		
„ Modes prescribed for publishing particulars of offences for which penalty is imposed by this Act or by Bye-laws,	„	LI.		
„ Penalty for pulling down or injuring Boards required by this Act to be put up,	„	LII.		
„ Penalties or forfeitures imposed by this Act recoverable by what legal proceeding,	„	LIII.		
„ Recovery of penalties directed in this or Act XVI. of 1847 to be levied by distress,	„	LIV.		

[Improvement

	Act.	*Section.*	*Article.*	*Territorial Scope of the Acts.*
	1848.			
Improvement of Calcutta — No distress to be deemed unlawful for any defect or irregularity: persons aggrieved by such defect may have redress by action in the Supreme Court, ...	II.	LV.		
„ Penalties by Magistrates how to be disposed of, ...	„	LVI.		
„ Limitation of the period for preferring complaints before Magistrates for offences committed against this Act, ...	„	LVII.		
„ Persons doing damage to the property of the Commissioners shall be liable to make good such damage as well as to pay the prescribed penalty,	„	LVIII.		
„ Penalty for persons refusing to appear before Magistrates when summoned as witnesses or to give evidence on oath, ..	„	LIX.		
„ Construction of certain words used in Acts XVI. and XXII. of 1847 and this Act,.....	„	LX.		
Indian Navy — Articles and orders enacted in addition to those contained in Act XII. of 1844, ...	XXVII.	I.	.....	General.
„ Persons belonging to—how to be punished for manslaughter or any other offence against person or property, ...	„	„	36th	
„ Penalty for insubordination, disorders, irregularities, Neg-				

[lects

	Act.	Section.	Article.	Territorial Scope of the Acts.
	1848.			
lects and all disgraceful conduct of persons belonging to, Indian Navy—Offences triable other than by Court Martial by whom to be investigated and how to be punished, ...	XXVII.	I.	37th	
	,,	,,	38th	
,, Commutation of the sentence of death to transportation for life or for a time in certain cases referred to in Articles 8th, 24th 20th and 21st, ...	,,	II.		
,, Governor General in Council may commute the sentence of death to transportation, ..	,,	III.		
,, Offenders under sentence of transportation how to be dealt with previous to carrying their sentences into execution, ...	,,	IV.		
,, Governor General in Council and Governors in Council may direct any Officer to hold Courts Martial, ...	,,	V.		
,, Any Officer of the—shall be eligible to act on any Court Martial although not commissioned to any ship or vessel, ..	,,	VI.		
,, In the absence of a sufficient number of Officers of the—Courts Martial how to be constituted, ...	,,	VII.		
,, Provisions of this and Act XII. of 1844 shall be considered as of one Act, ...	,,	VIII.		
Indictment for Forgery—(See Forgery.)				

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
Institution Fees in the District Moonsiff's Court in the Madras Presidency. — (See District Moonsiffs.)				
J.				
Juries on Coroner's Inquests limited to five Jurors, ...	IV.	I.	.....	General.
„ Penalty for non-attendance of Jurors when summoned, and the mode of recovering such penalty, ...	„	II.		
„ Provision made for preventing Coroner's Inquisitions from being quashed on account of technical defects, ...	„	III.		
„ Coroner may appoint a Deputy to act for him during his absence, subject to the Governor's approval, ...	„	IV.		
Jury—The above extended to Prince of Wales' Island, Singapore and Malacca,.....	XXVI.			
L.				
Lands—Ryots or Tenants of— how to be served with notices prescribed by Secs. IX., X., XI. and XIII. of Regulation V. of 1812, in cases where the residence of the Ryots is not in the zillah in which the land				

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
to which the notices refer, is situated, ...	VIII.	.....	.....	Bengal Presidency.
Lands—Limitation of the period for filing suits to contest the awards of Revenue Authorities under Regulations VII. of 1822, IX. of 1825 and IX. of 1833, ... (See Suits.)	XIII.			
M.				
Magistrates may take recognizances from persons required to keep the peace, though such persons have not been convicted of any specific offence. (See Penal Recognizances.)				
Malacca—Assessments in—(See Straits Settlement.)				
,,—(See Coroner's Jury.)				
Mandvee—the lapsed State of—annexed to the Bombay Presidency, and shall be subject to the Regulations and Acts,	X.	I.	.....	Bombay Presidency.
,, Suits on certain subjects mentioned, not cognizable by the Civil Courts, ...	,,	II.		
,, Governor in Council may exempt the widows and relatives of the late Rajah of Mandvee from the jurisdiction of Courts, ...	,,	III.		
,, Schedule containing the territorial description of the Per-				

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
gunnah of Soowangiah constituting the lapsed State of—	X.			
Mochulkas to be taken by Magistrates from persons for keeping the peace. (See Penal Recognizances.)				
Moonsiffs—Stamp duties substituted for Institution fees in the Courts of District—(See District Moonsiffs.)				
Municipal Fund. (See Straits Settlement.)				
Municipal Law—(See Improvement.)				
Murder by Thuggee — Definition of the expression of— (See Thugs.)	III.			
N.				
Navy—(See Indian Navy.)				
Nizamut Adawlut in the Bengal Presidency and Foujdaree Adawlut in the Madras Presidency may order the Subordinate Courts to revise unlawful sentences passed on prisoners punished without reference,.....	XIX.	II.	.....	Bengal and Madras Presidencies.
„ May revise sentences not warranted by evidence or when too severe, ...	„	III.		
„ May call for proceedings of Subordinate Courts in any Criminal trial and pass proper				

[orders,

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
orders, but shall not enhance the punishment or punish persons acquitted, ...	XIX.	IV.		
Notices prescribed to be served on Ryots by Secs. IX., X., XI. and XIII. how to be served. (See Ryots.)				
Nuwab of Surat—Persons and properties of the Widows and family of the late—named in the Schedule annexed, exempted from being seized by writ or process, ...	XVIII.	I.	.....	Bombay.
„ Property of the late—how to be administered and disposed of, ...	„	II.		
„ Limitation of suits instituted in Civil Courts in respect of persons within the provisions of Clause 2, Sec. XXI. Reg. II. of 1827, Bombay Code, .	„	III.		
„ Priority of registration of Deeds shall not invalidate such as may be registered by persons mentioned in Clause 2, Sec. XXI. Reg. II. of 1827, within 6 months after the passing of this Act, ...	„	IV.		
„ Schedule.				
O.				
Officers of the Supreme Courts prohibited from Trading,.... (See Courts.)				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1848.			
P.				
Peace—What measures to be taken by Magistrates for the maintenance of the—in their respective jurisdictions, (See Penal Recognizances.)				
Penal Recognizances — Magistrates may take—from persons for the maintenance of the Peace in their respective jurisdictions though not convicted of any Offence, ...	V.	II.	.....	Bengal Presidency.
,, Magistrates may also take Securities if necessary, ...	,,	III.		
,, Magistrates may order Recognizances to be taken if for one year. What shall be the penalty in case of default, ..	,,	IV.		
,, What course to be taken when the parties are to be bound for more than one year, ...	,,	V.		
,, Persons not to be kept in prison for default longer than the period for which the Recognizances have been required,..	,,	VI.		
,, Secs. V., VI. and VII. of Reg. VIII. of 1818, Bengal Code, made applicable to persons confined, and to sureties who have given Securities under this Act, ...	,,	VII.		
,, Penalty of Recognizances when forfeited how to be enforced, ...	,,	VIII.		

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
Penal Recognizances—Penalty of Security Bonds how recoverable on Recognizances being forfeited, ...	V.	IX.		
„ Sentences and Orders passed under this Act shall be appealable, ...	„	X.		
„ Mochulkas and Security Bonds taken under General Regulations by Criminal Courts may be enforced in manner prescribed by Secs. VIII. and IX. of this Act.	„	XI.		
„ Forms of Mochulkas and Security Bonds.				
Perjury—Principal Sudder Ameens in Civil Cases pending before them, vested with the powers of Judges under Clause 2, Sec. XIV. Reg. XVII. of 1817 to commit persons charged with—or subornation of, ...	I.	III.	.....	Bengal Presidency.
„ Sessions Judges may try persons committed by themselves as Civil Judges under the above Clause, ...	„	IV.		
„ Revenue Officers acting judicially included in the expression Civil Courts, for the purposes of this Act, ...	„	V.		
Port to Port—Duties on Goods carried from—within the Company's Territories, abolished. (See Duties.)				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1848.			
Ports in the Straits' Settlement, Tenasserim and Arracan Provinces exempted from the operation of Sec. III. Act VI. of 1848,.....	VII.	I.		
Prince of Wales' Island—Assessments in—(See Straits' Settlement.)				
,, —(See Coroner's Jury.)				
Principal Sudder Ameens vested with the powers of Judges under Clause 2, Sec. XIV. Reg. XVII. of 1817, to commit persons chargeable with perjury, ... (See Perjury.)	I.	III.		
Prisoners — punishment of—by Subordinate Courts—(See Nizamut Adawlut.)				
R.				
Recognizances from parties for keeping the peace — (See Penal Recognizances.)				
Regulation IV. 1825, Section IV. of—Bengal Code, repealed,.....	V.	I.		
Regulation XVII. of 1817, Clause 2, Section XIV. of —Bengal Code, extended to Principal Sudder Ameens, ..	I.	III.		
Regulation V. 1812, Secs. IX., X., XI. and XIII. of—Bengal Code, modified,.....	VIII.			

[Regulations

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
Regulations of the Bombay Code, modified, viz., Sec. XXI. Reg. II. of 1827; Sec. VI. Reg. XVI. of 1827, Secs. IX. XVI. XXXVI. and XLIX. of Reg. XVII. of 1827, (See Mandvee.)	X.	II.		
Regulation X. of 1819, Secs. XLIX. L. LXXXV. and XCIII. of—Bengal Code, repealed, ...	XVI.	I.		
„ Ditto ditto part of Sec. XLVIII. ditto, ...	„	I.		
Regulation X of 1826—Sec. II. of—Bengal Code, repealed,.. (See Salt.)	„	I.		
Regulation VI., of 1816, Sec. XVI. and Clause 2, Sec. LVII. of—Madras Code, repealed,..	XVII.	I.		
Regulation II. of 1834, Secs. IV. and V. of—Madras Code, repealed, ...	„	I.		
Regulation XIII. of 1816, parts of—and Sec. VII. Reg. VII. 1818, Madras Code—as relate to Stamp Duties instead of Institution Fees, extended to the District Moonsiffs' Courts, (See District Moonsiffs.)	„	II.		
Regulation IX. 1831, Sec. V. of —Bengal Code, repealed, ..	XIX.	I.		
Regulation VIII. of 1818, Secs. V. VI. and VII. of—Bengal Code, shall be applicable to persons confined under Act				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1848.			
V. of 1848 and to sureties giving security under that Act, ...	V.	VII.		
Revenue Authorities—Limitation of the period of filing suits against awards of—under Regs. VII. of 1822, IX. of 1825 and IX. of 1833, (See Suits.)	XIII.			
Robbers—Persons belonging to gangs of—how punishable,..	XI.	I.	.....	General.
,, Persons guilty of the offence of belonging to such gangs or of receiving property stolen by them, may be committed by any Magistrate and tried by any Court, ...	,,	II.		
,, Futwas not necessary for trial of offences under this Act,..	,,	III.		
Ryots—Notices or demands prescribed to be served on—by Secs. IX., X., XI. and XIII. of Reg. V. 1812 how to be served, if their usual places of residence are not in the Zillah where their lands to which the notices refer are situated.	VIII.			
S.				
Salt—Customs duty no more leviable upon—Imported into the North-Western Provinces from the other Provinces of the Bengal Presidency, ...	XVI.	II.	.....	Bengal Presidency.

[Securities

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
Securities for persons bound to to keep the peace. (See Penal Recognizances.)				
Sentences passed by Subordinate Criminal Courts in the Bengal and Madras Presidencies how to be dealt with by the Superior Courts when they appear unlawful. (See Nizamut Adawlut.)				
Sessions Judges may try persons committed by themselves as Civil Judge, under Clause 2, Sec. XIV. Reg. XVII. of 1817, for Perjury or Subornation of Perjury, ... (See Perjury.)	I.	IV.	.....	Bengal Presidency.
Singapore — Assessments in —				
" (See Straits Settlement.)				
,, (See Coroner's Jury.)				
Stamp Duties substituted for Institution fees in the District Moonsiff's Courts in the Madras Presidency. (See District Moonsiffs.)				
,, Certificate to be granted for refund of — on dismissal of suits in Civil Courts on application from parties, ...	XVII.	III.	.....	Madras Presidency.
,, Refund of such duties how to be regulated,.....	,,	IV.		
Straits Settlement—Ports exempted from the operation of Sec. III. Act VI. of 1848. (See Duties.)				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1848.			
Straits Settlement — Houses, Shops and other Buildings in the—how to be assessed, ..	IX.	II.		
„ Produce of lands in—to be assessed in what manner, ..	„	III.		
„ Value of net produce of lands how to be ascertained,.....	„	IV.		
„ To facilitate the collection of Assessment, owners and occupiers of lands to be required to furnish to the Collector certain particulars concerning the produce of the lands. Penalty for persons refusing to furnish such particulars, ...	„	V.		
„ Wheeled Carriages, Horses, &c. &c. how to be taxed. Payment how to be enforced in case of default, ...	„	VI.		
„ Collectors of Assessment and Taxes by whom to be appointed, ...	„	VII.		
„ Payment of Assessment how to be enforced in case of default, ...	„	VIII.		
„ Collectors may sue for the recovery of arrears through Courts of Justice, in lieu of proceeding by Warrant of Distress, ...	„	IX.		
„ Parties aggrieved may appeal to the Court of Quarter Sessions, ...	„	X.		
„ Limitation of time for preferring the appeal,.....	„	XI.		

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
Straits Settlement—Moneys collected from Assessment and Taxes to be called "Municipal Fund," and the same how to be appropriated, ...	IX.	XII.		
„ The chief Civil Authority of the settlement may appoint a Municipal Committee from among the resident rate-payers for the management of the "Municipal Fund,".....	„	XIII.		
„ The Committee may make Rules and Regulations for carrying out the objects specified in Secs. XII. and XIII.,.....	„	XIV.		
„ Collector shall annually publish a statement of the receipts and disbursements, ...	„	XV.		
„ Owners of wheeled carriages, let to hire, required to enter such carriages in a register to be kept at the Police Office. Penalty for non-entry, ...	„	XVI.		
„ Penalty for not placing a numbered board on the carriages as required,.....	„	XVII.		
„ Quarter Session and Police fees, fines, &c. &c. to be paid into the Municipal Fund,....	„	XVIII.		
„ Assessments not to be affected by mistake in the names of persons or things or amounts.	„	XIX.		
„ Exemptions.				

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
Straits Settlement—Coroner's Jury in—(See Coroner's Jury.)				
Subordinate Criminal Courts—Revision of the sentences of—(See Nizamut Adawlut.)				
Suits—Period limited for filing—against awards of Revenue Authorities under Regs. VII. of 1822, IX. of 1825 and IX. of 1833, Bengal Code, before the passing of this Act,	XIII.	I.	.....	Bengal Presidency.
„ Such—shall be admissible for how many years after the passing of this Act against awards passed before this Act,	„	II.		
„ Period limited for filing—against awards finally passed after the passing of this Act, ...	„	III.		
Supreme Court may issue Commissions to persons for taking Affidavits and Solemn Affirmations in causes pending before it, ...	XIV.	I.	.....	Calcutta.
„ Such Affidavits to be deemed as if taken in Court, ...	„	II.		
„ Penalty for making false Affidavits or Solemn Affirmations, ...	„	III.		
Supreme Courts—Officers of—prohibited from trading—(See Courts.)				
Surat—Administration of the Estate of the late Nuwab of—(See Nuwab.)				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1848.			
T.				
Tax—(See Straits Settlements.)				
Tenasserim Provinces—Ports in the—exempted from the operation of Sec. III. of Act VI. of 1848—(See Duties.)				
Thieves—Gangs of—(See Robbers.)				
"Thug"—"Thuggee"—"Murder by Thuggee"—meaning of—as used in Acts, ...	III.		.....	General.
W.				
Wagers declared null and void, and Suits respecting wagers not to be allowed in any Court,	XXI.	I.	.....	General.
,, Courts established by Royal Charter instead of directing an issue to be tried on a feigned Wager may examine witnesses orally in open Court,	,,	II.		

J. C. SHERRIFF, BENGAL MILITARY ORPHAN PRESS.

ACT No. I. OF 1848.

Passed by the Right Hon'ble the Governor General of India in Council on the 22d January, 1848.

An Act for to regulate the proceedings in certain Cases of Forgery.

IT is hereby enacted, that within the Territories subject to the Presidency of Fort William in Bengal, except the local limits of the Courts established by Her Majesty's Charter, the Magistrates of the several Zillahs and Cities shall not receive any charges of Forgery, or of procuring or causing Forgery, or of fraudulently issuing and publishing as true or otherwise fraudulently giving effect to, or attempting to give effect to false and fabricated Deeds and Papers, knowing the same to be false and fabricated, which may be preferred by parties to Civil or Criminal cases in respect to Deeds and Papers offered in evidence in such cases against the adverse parties to such cases, or other persons, except as provided in the next following Section.

II. And it is hereby enacted, that in cases pending before any Civil or Criminal Court (except the Court of the Magistrate, or of any Officer exercising the committing powers of a Magistrate) in which there may appear to the Court sufficient grounds for sending for investigation to the Magistrate a charge of any of the offences specified in Section I. of this

Act,

Act, the Court shall send the party or parties accused in custody to the Magistrate, together with the evidence and documents relevant to the charge, and shall take a recognizance from each of the witnesses, who have given such evidence to appear before the Magistrate, who shall thereupon receive such charge and proceed with it in the usual course.

Provided always, that nothing herein contained shall be construed to affect the powers vested in Sessions Judges in cases of Forgery, by Section 6, Regulation II. of 1807, of the Bengal Code.

III. And it is hereby enacted, that the powers vested by Clause 2, Section 14, Regulation XVII. of 1817, of the said Code, in Zillah and City Judges, of committing persons chargeable with Perjury or Subornation of Perjury in cases pending before such Judges, are hereby vested in Principal Sudder Ameens in Civil cases pending before them, and the Principal Sudder Ameens and the Magistrates are hereby authorized and required to proceed in the manner in which the said Judges and Magistrates are authorized and required to proceed by the said Clause.

IV. And it is hereby enacted, that it shall be competent to the Sessions Judges to try persons committed by themselves as Civil Judges under the provisions of the said Clause for Perjury or Subornation of Perjury any Law to the contrary notwithstanding.

V. And it is hereby enacted, that for the purposes of this Act, the expression Civil Courts shall be held to include all Revenue Officers acting judicially.

Calcutta, 1848.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. II. OF 1848.

Passed by the Right Hon'ble the Governor General of India in Council on the 26th of February, 1848.

An Act to confer certain powers and privileges on the Commissioners for the Improvement of the Town of Calcutta, and to provide for the execution of certain public works by them.

WHEREAS by Act No. XVI. of 1847, it was amongst other things enacted, that the whole proceeds of the rates and taxes therein aforesaid, after paying all establishments and incidental expenses should, together with such monies as the Government of Bengal, with the sanction of the Governor General in Council, might direct to be paid over to the Commissioners for the Improvement of the Town of Calcutta therein aforesaid, be applied by them to the following purposes, viz.

Formation of Tanks and Aqueducts for the conveyance of water to all parts of the Town.

Opening of Streets and Squares in crowded parts of the Town.

Filling

ACT No. II. OF 1848.

Filling up Stagnant Pools of Water and removing obstructions to the free circulation of air.

Lighting and Watering the Roads and Streets.

Cleansing and repairing the same and the drains of the said Town.

And improving and embellishing the said Town generally.

And whereas for the effectual accomplishment of the purposes aforesaid it is expedient that the said Commissioners should be empowered to appoint a Clerk and a Surveyor and other necessary Officers, and that the said Commissioners and their said Clerk, and their said Surveyor and other Officers should exercise powers interfering with the rights and property of individuals:

I. It is therefore hereby enacted, that the said Commissioners shall, subject to confirmation or disallowance by the Governor of Bengal, nominate and appoint fit and proper persons to be their Surveyor and Clerk and other necessary Officers, who shall receive such salaries as to the Governor of Bengal shall seem meet.

II. And it is hereby enacted, that for the purpose of constructing one or more Aqueducts for bringing pure and wholesome water to the Town of Calcutta from any place without the local limits of the jurisdiction of Her Majesty's Supreme Court of Judicature, it shall be lawful, whenever a plan for an Aqueduct shall have been approved by the Governor of Bengal, for every Commissioner, and for the Surveyor and Clerk to the Commissioners with such Assistants as they may require, to exercise in the construction of such Aqueduct, throughout the line of country through which such Aqueduct is to run, all the powers which

by

by this Act it is lawful for them to exercise within the said Local limits, and which may be necessary for the construction of such Aqueduct without being subject to any action or molestation whatever for so doing. And it shall also be lawful for any Magistrate of any district through which the said Aqueduct is to run, in furtherance of the construction of such Aqueduct, to do such acts, and he is hereby required to do such acts as it is by this Act lawful for a Magistrate of the Town of Calcutta to do, and as he is by this Act required to do in furtherance of any work to be executed by the said Commissioners within the said local limits.

III. And it is hereby enacted, that it shall be lawful for the said Commissioners instead of executing any of the works which by this Act they are authorized to execute, by themselves, their Servants and Assistants, to execute the same by contract with any individual or Company who may be willing to undertake the same, and in that case it shall be lawful for such individual or such Company to exercise and enjoy all the powers and privileges which by this Act it is lawful for the said Commissioners to exercise and enjoy in the execution of any such work.

IV. And it is enacted, that if in carrying into execution any of the powers or authorities of this Act any house, building or other hereditament shall be damaged or otherwise prejudicially affected, the said Commissioners shall make good such damage and pay to the Owner and Occupier of such house, building or other hereditament such amount of compensation for such injury as shall be agreed upon between such Owner and Occupier, and the said Commissioners, and if such Owner or Occupier, and the said Commissioners cannot agree as to the amount of such compensation and the proportions thereof to be paid to such Owner and Occupier respectively then the amount of such compensation, and also the proportions which the persons claiming the same are entitled to shall be settled and recovered by arbitration or the verdict of a

Jury

Jury to be summoned and returned in the manner provided in Act No. XXII. of 1847, entitled an Act to enable the Commissioners who may be appointed under Act No. XVI. of 1847, to purchase real or personal property for the Improvement of the Town of Calcutta.

V. And it is enacted, that if any person at any time shall obstruct or molest the said Commissioners or any Clerk, or Surveyor or other Officer, or any workman, or other person employed by them, or any person or Company with whom they may have contracted under the provisions of this Act, or any person employed by them in the performance and execution of their or his duty, or any thing which they are respectively required or authorized to do by virtue, or in consequence of this Act, every such person so offending shall for every such offence on conviction before a Magistrate, forfeit and pay any sum not exceeding Fifty Rupees.

VI. And it is enacted, that every Commissioner and the Surveyor, and Clerk to the Commissioners, with such Assistants as they may require, shall for the purposes of this Act, have full power and authority at all seasonable hours in the day time to enter, or to direct his subordinate Officers to enter into and upon any land or tenement, and in and upon the land on which any house, building or other erection is built or building, or intended to be built, and into and upon any buildings or any part thereof without being liable to any action at Law or Suit in Equity, or any other legal proceedings or molestation whatsoever for or on account of such entry, or of any thing done or to be done in any part thereof in pursuance of this Act. Provided that none of the persons abovementioned shall enter upon any lands or tenements which may be occupied at the time unless with the consent of the Occupier thereof, without previously giving the said Occupier reasonable notice of his or their intention to do so.

VII. And

VII. And it is enacted, that the management and control over all and every of the streets, public ways and public thoroughfares of every kind and description within the said Town of Calcutta existing at the time of the passing of this Act, and of all parts of the said Town which shall hereafter become streets, public ways or public thoroughfares of any kind or description, and the pavements and other materials therein, and all erections and buildings, materials, implements or other things provided for the said streets, public ways and public thoroughfares by or under the authority of the Government of Bengal, or by the Magistrates of Calcutta, or by the said Commissioners, shall be the property of, and are hereby vested in the said Commissioners as Trustees.

VIII. And it is enacted, that it shall be lawful for the said Commissioners with the consent and approbation of the Government of Bengal to pave and water such of the streets, public ways and public thoroughfares existing in the said Town at the time of the passing of this Act, or at any future time as they shall think fit.

IX. And it is enacted, that the said Commissioners shall keep in sufficient repair every street, public way and public thoroughfare existing in the said Town at the time of passing this Act, or at any future time, and shall be liable to be indicted for not sufficiently repairing the same.

X. And it is enacted, that if any person shall displace, take up or make any alteration in the pavements, flags or other materials of any foot or carriage way in any street within the said Town without the consent in writing of the said Commissioners, or of their said Surveyor, or shall cause any obstruction to, or make any encroachment upon any street in the said Town, any such person so offending shall for every such offence on conviction before a Magistrate forfeit and pay a sum not exceeding Fifty Rupees.

XI. And

XI. And whereas it is essential to the health and convenience of the inhabitants that straight and spacious streets and thoroughfares should be continued where they have been begun, and should be opened at convenient and suitable distances where such do not at present exist so as to perforate the mass of buildings within the said Town in straight lines as nearly as may be from South to North, and from East to West, crossing each other at right angles, and from South East to North West and from South West to North East, crossing the straight lines abovementioned diagonally with large open spaces forming squares or circles at convenient and suitable distances from whence the said streets may conveniently diverge in lines without interruption to the river and to the open country without the said Town so far as the completion of such plan may be practicable and where not entirely practicable upon a plan as nearly approaching to such plan as may be: And whereas it is also expedient and necessary that the narrow lanes and gullys which compose the greater part of the said Town inhabited by the Native inhabitants should be converted into such straight and spacious streets and thoroughfares formed as abovementioned due regard being had to the compensation of Owners of houses, buildings and grounds, which may be required to be vested in the said Commissioners for any such purposes as aforesaid:

It is enacted, that as soon as may be after the passing of this Act, the said Commissioners shall cause plans to be made by their said local Surveyor and by other competent Surveyors, shewing the direction and breadth of such streets and thoroughfares, and the situations and dimensions of such open spaces to form squares or circles as aforesaid, which in their opinion shall be the most suitable for carrying into effect the abovementioned objects, keeping in view the salubrity of the said Town, the convenience of communication within the same, and the economy with which the said improvements may be carried into execution, together

gether with estimates of the expense of the necessary works and estimates of the probable value of the houses, buildings and grounds, which it will be necessary for the said Commissioners to purchase for these purposes, and the said Commissioners shall select from the plans which shall be so furnished to them the one which they, or a majority of them, shall consider the best and most eligible, and shall transmit to the Secretary to the Government of Bengal, the said plan and the resolution of the Commissioners thereupon for the consideration of the said Governor of Bengal, and upon the said Governor signifying through the said Secretary by writing, signed by the said Secretary, his approval of such plan, the said Commissioners shall proceed with all convenient speed to carry the same into execution so far as the funds at their disposal, and the circumstances under which the works are to be carried into execution will allow, in conjunction with the other improvements contemplated by this Act, and in case the said Governor shall signify his disapproval of the plan so submitted to him, the said Commissioners shall cause another plan to be drawn by the same or any other competent Surveyor, which plan shall in like manner be submitted by the said Commissioners to the said Governor, and so from time to time until such plan shall be finally approved of by the said Governor, and as soon as may be after such final approval of the said Governor shall be intimated to the said Commissioners as aforesaid, the said Commissioners shall proceed to carry the said plan so approved into execution with all such convenient speed as aforesaid.

XII. And it is enacted, that the said plan having been so submitted to and having been approved by the said Governor as aforesaid, the said Commissioners shall proceed in conformity, with the provisions of Act No. XXII. of 1847, with the purchase of such houses, buildings and grounds as it may be necessary to purchase for the execution of such plan, and shall upon such purchase being completed give orders to their said

local

local Surveyor to proceed with the said works without further reference to the said Governor.

XIII. And whereas it is essentially necessary to the salubrity of the said Town to make provision for the effectual sewerage and drainage of the same:

It is enacted, that as soon as conveniently may be after the passing of this Act the said Commissioners shall cause their said Surveyor to make a careful survey of the whole of the said Town, and in an accurate and distinct report to be framed by him to state what in his opinion are the defects of such sewerage, works and drains as shall at that time exist therein, and what alterations of the same, and what new main and other sewers and drains are necessary and proper for the effectual draining and clearing of the whole of the said Town, and what reservoirs, engines, sluices, penstocks and other works are required for properly flushing and cleansing out such sewers and drains, and at and from what places such drains and sewers respectively ought to commence, in what precise direction they are to be conducted, and at what places respectively they ought to terminate.

XIV. And whereas it is of the most essential importance that all the inhabitants of the said Town should be supplied with good and wholesome water for drinking and for domestic purposes to the utmost extent that the local and other circumstances of the said Town will permit, and especially that the poorer inhabitants thereof should be so supplied with water; and whereas supplies of water are also required for the efficient and wholesome cleansing and watering of the streets, and cleansing the main and other sewers and drains which may be constructed or maintained under the provisions of this Act:

It is enacted, that the said Commissioners shall at the same time cause their said Surveyor to report upon the existing supplies of water in the said Town, the sufficiency or insufficiency of such supply for all the several purposes aforesaid, and the healthful or palatable quality as water for drinking of every description of water so supplied, or which the said Surveyor shall recommend in future to be supplied, and with a view to test the accuracy of his report upon this latter subject the said Commissioners shall cause such water or waters to be analysed and reported on by competent Chemists and Medical men, and the said Surveyor shall also state in his report from what point on the River Hooghly, North of Calcutta, water in sufficient quantity can be conveyed into the Town for the domestic purposes of the said inhabitants, and for the efficient and wholesome cleansing and watering of the said streets, and cleansing the main and other sewers and drains which shall or may be constructed and maintained under the provisions of this Act, and shall state whether in his opinion one supply of water from one place can be commanded adequate to all these several purposes, and from what distance and at what probable expense, and what reservoirs, engines, sluices, canals, aqueducts, pipes and other works, and of what respective dimensions are required for the adequate and abundant supply of such water for all such purposes as aforesaid.

XV. And for carrying into effect the purposes aforesaid it is enacted, that all sewers and drains, together with all buildings and other works, materials and things therewith connected, and all canals, aqueducts, tanks and wells provided for or lawfully applied to public use, and which are not the property of any private person or persons, together with all buildings, engines, works, materials and things therewith connected existing in the said Town at the time of the passing of this Act, or which hereafter shall at any time be constructed and made therein whether constructed at the cost of the said Commissioners or otherwise,

and the entire management and control over the same, subject to the provisions hereinafter contained, shall be the property of, and are hereby vested in the said Commissioners as such Trustees as aforesaid.

XVI. And it is enacted, that the said Commissioners shall cause to be constructed and made such and so many sewers and drains, and such and so many reservoirs, canals, aqueducts, engines and other works, and to be laid such and so many water pipes as shall in the opinion of the said Commissioners be necessary and proper for the effectual draining and cleansing of the whole of the Town aforesaid, and for the properly flushing and cleansing out such sewers in and under or across all or any of the streets and ways whether dedicated to the public use or not, roads and other places within the said Town, and if needful through and across all under ground cellars and vaults which they may find under any of the said streets, ways, roads or places, doing as little damage as may be, and also to cause such and so many rings and openings to be made or left in the sides of the said sewers as will be sufficient for the making or branching any drain or drains from any or all of the houses built, and which may probably be built adjoining or near thereto into any of the said sewers as the said Commissioners shall think fit necessary and expedient for that purpose; and in case it shall be found necessary for completing any of the aforesaid works to build, carry or continue the same in, into or through any enclosed lands or other place not being a public way, it shall be lawful for the said Commissioners to build, carry or continue the same in, into or through the said lands or other places accordingly, and the said Commissioners may and shall cause such sewers to communicate with and empty themselves into any public river, stream, canal or water-course, or to cause the refuse from such sewers to be conveyed by an appropriate channel to the most convenient site for its deposit, collection and sale, and its application as manure for agricultural purposes or otherwise as they shall deem most expedient, but so that the same

shall

shall in no case become a public nuisance or annoyance to the neighbourhood, and all such sewers, water-courses, canals, reservoirs and other works and premises shall be the property of and are hereby vested in the said Commissioners, and shall be at all times under the care, control and management of the said Commissioners and of their Surveyor and Officers.

XVII. And it is enacted, that the said Commissioners shall have authority from time to time as they shall see fit, and they are hereby required to widen, deepen, embank, alter, arch over, amend, clean and scour out all or any of the sewers within the said Town as may be necessary, and also to cleanse and drain off into any sewers or otherwise abate all stagnant pools, ditches, tanks and other receptacles of foul water and filth existing within the said Town, whether the same be the private property of any person or persons or otherwise, and further in cases in which any of the existing or future sewers vested in the said Commissioners shall from any cause whatever appear to the said Commissioners to have become useless or unnecessary, it shall be lawful for the said Commissioners if they shall think fit so to do to take up, stop, fill in and discontinue such old sewers in such manner that the same shall not be or become a nuisance or annoyance to the neighbourhood.

XVIII. And it is enacted, that before beginning to dig or lay the foundations of any new house within the said Town, or to re-build any house therein, and also before making any drain for the purpose of draining water directly or indirectly from any land or tenement into any sewer under the jurisdiction of the said Commissioners, fourteen clear days' notice in writing shall be given to the Clerk to the said Commissioners by delivering the same to him, or leaving it at his office by the person intending to build or re-build such house, or to make such drain, and every such foundation shall be laid at such level as the said Surveyor of

the

the said Commissioners shall direct, and every such branch drain shall be made in such direction, manner and form, and of such materials and workmanship as the said Surveyor shall order, and the making of every such drain shall be under the survey and control of the said Commissioners; and in default of such notice, or if such building or drain shall be begun or made without or in any respect contrary to any order of the said Surveyor, or of the provisions of this Act, it shall be lawful for the said Commissioners to cause such building to be demolished, and to cause such drain to be relaid, amended or remade as the case may require, and to cause the expenses thereof to be levied and repaid to them from and by the Owner thereof in the manner hereinafter provided.

XIX. And it is enacted, that it shall be lawful for any person at his own expense to make or branch any drain into any of the sewers vested in the said Commissioners, or authorized to be made by virtue of this Act, or otherwise acquired by the said Commissioners, such drain being made of such a size and in such a manner of communication in all respects as the said Surveyor of the said Commissioners shall direct or appoint, and for that purpose to take up and remove so much of the pavement and other materials of any street, as may be required unless the said Commissioners shall consent and agree which they are hereby authorized to do to form so much and such portion of such drain as shall lead from the point of communication in such sewer to the extremity of such street, and in case any person shall make or branch any drain into any of the said sewers so vested in the said Commissioners, or authorized to be made under and by virtue of this Act of a larger size, or in a different manner and form of communication than shall be directed or appointed by the said Surveyor, every person so offending shall for every such offence forfeit and pay on conviction before a Magistrate a sum not exceeding Fifty Rupees.

XX. And

XX. And whereas it would tend to insure a greater efficiency and economy in the execution of works if the same were executed by persons under the immediate direction and control of the Surveyor of the said Commissioners, it is enacted that it shall be lawful for the said Commissioners to contract and agree with the Owners of any houses or other tenements within the said Town, that any drains required to be made by such Owners shall be constructed and made by the Surveyor of the said Commissioners, and the cost price of making such drains (as certified by the said Surveyor of the said Commissioners) shall be repaid by such Owners to the said Commissioners, and in default of such payment the same may be recovered in the manner hereinafter provided.

XXI. And whereas the noxious effluvia exhaling from gully holes of sewers and drains has been found to be injurious to health, and it is therefore expedient that some provision should be made in respect thereof to obviate the same, it is enacted, that the said Commissioners and the Owners of any private drains in the Town aforesaid, shall by providing proper traps or other coverings, or by ventilation, or by such other ways and means as shall be practicable for that purpose effectually prevent the effluvia of sewers and drains from exhaling from gully holes, gratings or any other openings whatsoever of drains or sewers in streets or other places, and in case the Owner of any private sewer or drain shall neglect or delay so to do, the Surveyor of the said Commissioners shall give him notice effectually to prevent the effluvia of such sewer or drain from so exhaling, and if the same shall not be effectually done by such Owner within ten days after such notice shall have been given him, the said Surveyor shall forthwith provide and apply proper traps or other coverings, or such other means as aforesaid so as effectually to prevent such effluvia from exhaling and the expense incurred thereby shall be paid by the Owner of such sewer or drain to be recovered in manner hereinafter mentioned.

XXII. And

XXII. And it is hereby enacted, that it shall be lawful for the said Commissioners and their said Surveyor, and they and he are hereby required when any of the streets, public ways or public thoroughfares, vested in them shall be under repair, or where any sewers or drains are making, or shall be under repair to take proper precautions against danger by shoreing up and protecting the adjoining houses, and to fix and place, or cause to be fixed and placed such, and so many bars, chains or posts across, or in any of the said streets, public ways or public thoroughfares to prevent the passing and repassing of carriages, carts or other vehicles, cattle or horses during the time of such works and repairs being carried on, as shall be necessary and proper, and the said Commissioners and their said Surveyor shall cause any sewer or drain or other works during the construction or repair thereof by them to be well and sufficiently lighted and attended by fit and proper persons during the night to prevent accidents, and if any person shall take down, alter or remove any of the said bars, chains or posts, or extinguish any light attached to or connected with the said bars, chains or posts without the authority or consent of the Surveyor of the said Commissioners, every such person so offending shall for every such offence forfeit and pay on conviction before a Magistrate any sum not exceeding Fifty Rupees.

XXIII. And it is enacted, that the said Commissioners shall with a due regard to the convenience and the preservation of the health of the inhabitants of the said Town give strict orders to their said Surveyor to cause, and their said Surveyor shall duly cause all the streets, ways, thoroughfares and alleys thereof whether dedicated to the use of the public or not, together with the foot pavements or footpaths from time to time to be properly swept and cleansed, and all dust, dirt and filth of every sort which may be found thereon to be collected and removed therefrom, and all the soil, ashes, rubbish and filth to be taken and carried away from the houses and premises of the inhabitants of the said Town at convenient

convenient hours and times, and shall cause all or any of the privies and cesspools within the said Town to be cleansed and emptied in a sufficient and proper manner as shall be required, and that the said Surveyor shall from time to time give public notice on what days, at what times in every week the said streets, public ways and public thoroughfares shall be swept and cleansed, and such dirt, dust and night soil, rubbish, filth and ashes carried away, and how and in what manner the same shall be carried away and where the same shall be deposited, and shall give such orders and directions as to the said Surveyor acting under the orders and control of the said Commissioners shall appear proper and necessary, and it shall be lawful for the said Commissioners to purchase or hire any carts, carriages and other machines, and also any horses or cattle for the better executing and performing any of the above duties.

XXIV. And it is enacted, that the dirt, dust, night soil and filth to be so collected from the said streets, thoroughfares, alleys, footways, privies, sewers and cesspools, and all the dust, ashes and rubbish to be collected, taken and carried away from all and every of the houses and elsewhere within the said Town shall be the property of the said Commissioners, and are hereby vested in them; and the said Commissioners shall have full power to sell and dispose of the same through their said Clerk or Surveyor for the purpose of this Act as they shall think proper, and the money arising from the sale thereof shall be applied for the purpose of this Act, and the person purchasing the same shall have full power and authority to take, carry away and dispose of the same for his own proper use and benefit.

XXV. And it is enacted, that it shall be lawful for the said Commissioners for the purpose of watering the said streets, public ways and public thoroughfares in the said Town to sink wells, and lay, erect and place pipes, conduits and pumps in any of the said streets, public ways or public thoroughfares, and to provide any other apparatus proper for

that

that purpose, and to remove and alter the same when and as the said Commissioners shall think proper, and it shall be lawful for the said Commissioners, and they are hereby required to excavate and provide a sufficient number of spacious and convenient tanks or sufficient runs of water through the said Town for the inhabitants to bathe in at suitable and proper times and in suitable and proper places as may best serve to unite the health and comfort of the labouring population with public decency, making due allowance for the habits and customs of the country.

XXVI. And it is enacted, that it shall be lawful for the said Commissioners, and they are hereby required from time to time to make such Bye-laws as they shall think fit for all or any of the purposes following, that is to say,

For preventing nuisances in any streets or near thereto and effecting cleanliness therein.

For making regulations for the registering and inspection of slaughter houses and markets, and for keeping the same in a cleanly and proper state, and for removing filth therefrom at least once in every twenty-four hours, and for requiring that they shall be provided with a sufficient supply of water.

For the punishment of persons selling unwholesome meat, fish, vegetables, sweetmeats and grain, for the food of man, and for seizing and condemning the same.

For regulating the duties of scavengers, and for regulating the management of urinals and privies.

For making regulations for cleansing filthy and unwholesome dwellings.

For supplying private houses with water from the public reservoirs.

For

For making regulations to prevent persons bathing and washing their bodies in tanks and water-courses provided for the domestic uses of the inhabitants of the said Town and to limit the hours of bathing in the tanks and water-courses provided for the purpose of bathing in such manner as shall appear to the said Commissioners necessary to the health, cleanliness and comfort of the labouring population.

For enforcing upon the inhabitants of the said Town the performance of such acts and the abstinence from such acts as an enlightened regard to the health, cleanliness and decency of the said Town ought to induce them to perform and to abstain from due consideration being had for the feelings, manners and customs of the various races of which the said inhabitants consist.

For ascertaining and fixing what pecuniary penalties shall be incurred by persons breaking such Bye-laws. Provided always, that no such last mentioned penalty shall exceed for any one offence the sum of Fifty Rupees, nor in case of continuing nuisance the sum of Five Rupees for every day during which such nuisance shall be continued and unremedied

XXVII. And it is enacted, that no Bye-law made under the powers for that purpose herein last contained shall be of any force until the same shall have been laid before the Governor of the Presidency of Fort William in Bengal and his approbation thereof, and that of the Governor General in Council, shall have been certified to the said Commissioners under his hand by the Secretary to the Government of Fort William in Bengal, nor until the expiration of forty days after the same Bye-law shall have been published once in two of the Calcutta Newspapers, and a copy of such Bye-law with a declaration thereon, signed by the Clerk to the said Commissioners that the same has been approved

by

by the said Governor and published in two Newspapers as aforesaid with the date of such publication, shall be received as evidence of such Bye-law, and of the approval and publishing thereof as aforesaid in all Courts of Law and Equity and before all Magistrates.

XXVIII. And it is enacted, that all Bye-laws made in pursuance of this Act shall be printed, and a copy thereof shall be posted up and continue so posted in the Office of the Clerk of the said Commissioners, and copies thereof shall be delivered to any person who may apply for the same on payment of such sum as the said Commissioners shall think it not exceeding Four Annas.

XXIX. And it is enacted, that all the provisions hereinafter contained relative to offences against this Act punishable upon summary conviction shall be taken to apply to all offences committed in breach of any Bye-law made by the said Commissioners by virtue of this Act.

XXX. And it is enacted, that it shall be lawful for the said Commissioners to direct any prosecution for any public nuisance whatsoever, which shall be permitted or suffered within the said Town, and to order proceedings to be taken for the recovery of any penalties and for the punishment of any persons offending against the provisions of this Act, and to direct and order the expenses of such prosecutions and other proceedings to be paid and borne by and out of the funds placed at the disposal of the said Commissioners under the provisions of this Act.

XXXI. And it is enacted, that it shall be lawful for the said Commissioners to sue and be sued, to prefer any bill of indictment or information, or to take any other proceeding against any person who shall steal, take, or carry away, or wilfully deface or injure any property, articles or thing belonging to the said Commissioners, and in every such

case

case it shall be sufficient to state generally the property, article or thing, in respect of which such proceeding shall have been taken, to be the property of the said Commissioners.

XXXII. And it is enacted, that nothing in this Act contained shall be construed to render lawful any act or omission on the part of any person which is or but for this Act would be deemed and adjudged to be a nuisance at Common Law, nor to exempt any person guilty of a nuisance at Common Law from prosecution or action in respect thereof. Provided always, that if any person convicted of an offence under this Act shall have paid the whole amount adjudged to be paid under such conviction, and the costs thereof in every such case he shall be released from all further or other criminal proceedings for the same offence.

XXXIII. And it is enacted, that it shall be lawful for the said Commissioners, and they are hereby empowered with the consent and approbation of the said Governor and subject to the restrictions hereinafter contained, to contract and agree with any person or persons for supplying the said Town or any part thereof with water for the purposes of this Act, and with the like consent to agree with any person having and willing to dispose of the same, for the absolute purchase for any purpose which the said Commissioners shall think necessary for obtaining and protecting such supply of water as aforesaid, of any water-works, streams of waters, lands, tenements, easements, hereditaments, fixtures, machinery or other property, or to take a lease thereof for any term of years and subject to such conditions as shall be agreed upon between the parties, and also with the like consent and approbation to grant to any person or persons contracting to supply the said Town or any part thereof, with water, a lease for any term not exceeding twenty-one years, of any water-works, machinery, streams, waters, lands, tenements, easements, rights, privileges and advantages belonging to or acquired by or

which

which may belong to, or be acquired by or be vested in the said Commissioners under any of the powers or authorities in this Act contained so as to enable such person or persons so contracting the more effectually and efficiently to procure and supply water in pursuance of any such contract or agreement, and every such lease so to be granted by the said Commissioners may be made subject to such conditions and stipulations as to the supplying water for the purposes of this Act, or any of them as may be agreed upon between the respective parties thereto. Provided always, that no lease or contract made in pursuance of the powers hereinbefore contained shall be valid or effectual for any purpose whatsoever unless the said Governor's approval of the same shall be testified by writing endorsed on such lease or contract under the hand of the Secretary to the Government of Bengal.

XXXIV. And it is enacted, that if it shall be necessary or advantageous for the purpose of carrying into execution any plan or mode of supplying water to the said Town that the said Commissioners should avail themselves of any of the powers in this Act contained which authorize the said Commissioners or their Lessees to take or enter upon lands without the consent of the Owners and Occupiers thereof for the purpose of constructing, improving or enlarging any water-works, then, and in every such case, the said Commissioners shall cause a map or plan to be prepared on a scale of not less than one inch to one hundred feet describing the sources from which any supplies of water are intended to be procured, the situation of the intended water-works and the line and course of any intended aqueducts, conduits, tunnels, pipes or other channels for conveying water to or from the said intended source of supply and the lands through which the same respectively are intended to be carried, together with a book of reference containing the names of the Owners or reputed Owners, Lessees or reputed Lessees and Occupiers respectively of any lands intended to be taken for the purpose

of erecting any works thereon, or to be used for the purpose of carrying any tunnels, pipes, channels or water-works through the same, and one copy of such plan and book of reference shall be deposited in the Office of the Clerk to the said Commissioners and shall be open at all reasonable times there to the inspection of all parties interested therein, and another copy of such plan and book of reference shall be furnished to the said Surveyor of the said Commissioners, and notice of such intended works and of the place in which such plan is deposited shall be given by the said Commissioners to all parties interested in any lands intended to be taken or used for any of the above purposes, through which it is intended to carry any tunnels, pipes, conduits or other works, or to such of the said parties as shall after diligent enquiry be known to the said Commissioners, and such notice shall also be published in two or more of the Calcutta Newspapers at least once in each of two successive weeks.

XXXV. And it is enacted, that as soon as may be after the expiration of one Calendar month from the date of the last publication of such notice the said Surveyor shall give notice by publication in such Newspapers in manner aforesaid that he will within one week from the date of the last of such publications attend upon such lands and point out to such as may meet him there and desire to be informed thereof the line and course of such intended aqueducts, conduits, tunnels and pipes, and the situation of such intended reservoirs, tanks and water-works, and he shall accordingly attend at the time and place named in the said notice, and shall then and there point out the same and all persons who shall deem themselves interested in the matter or likely to be aggrieved thereby shall be entitled to be heard by themselves, their Counsel, Attornies or Agents, and to adduce such witnesses as they may think necessary before the said Commissioners, and the said Commissioners shall report the evidence taken before them, and the plans and book of reference and the report of the said Surveyor, together with their opinion thereon

to the said Governor and thereupon it shall be lawful for the said Governor to disallow or to authorize the taking of the lands specified in such plan, and required to be taken or used for the purposes aforesaid, or any of them without the consent of the Owners and other persons interested therein, subject in the latter case to such regulations and orders as the said Governor shall think necessary to justice and not inconsistent with the objects of this Act, and when and so soon as the said Governor, if he shall so determine shall signify his approval thereof to be testified under the hand of the said Secretary in manner aforesaid then the said Commissioners shall and may proceed to carry such plan into execution.

XXXVI. And it is enacted, that it shall be lawful for the said Commissioners, subject to the restrictions hereinafter contained, from time to time to make, construct, lay down, maintain, alter or discontinue such water-works, steam engines, water-wheels, reservoirs, cisterns, tanks, aqueducts, cuts, channels, conduits, engines, waste-gates, stop-gates, stop-cocks, sluices, banks, bridges, pipes, tunnels, machinery and other works upon the lands hereby authorized to be purchased and taken by the said Commissioners as shall be necessary or proper for obtaining water and supplying the same to the inhabitants of the said Town.

XXXVII. Provided always, and it is enacted, that the said Commissioners in erecting and making the said water-works and the said reservoirs, cuts, channels, aqueducts, tunnels or other works upon lands taken under the compulsory powers hereinbefore contained shall not deviate to any greater distance than the limits of the deviation as marked in the said plan, nor into the lands of any person not mentioned in the said book of reference without his previous consent in writing unless the name of such person shall have been omitted by mistake, and the fact that such omission proceeded from mistake and that such deviation ought to be allowed shall be certified under the hand of such Surveyor.

XXXVIII. Provided

XXXVIII. Provided also and it is enacted, that nothing in this Act contained shall authorize or empower the said Commissioners or their Lessees by virtue of the compulsory powers of purchase hereinbefore contained except in the case of any land expressly taken for forming any reservoir or erecting any steam engine or other works thereon to acquire or obtain any greater right or interest in any lands or premises through or within which any of the said pipes, culverts, aqueducts or tunnels are intended or may be required to be laid than a right of laying the said pipes, culverts, aqueducts or tunnels therein, and of entering thereon from time to time when requisite to renew, amend, repair and examine the same.

XXXIX. And it is enacted, that it shall be lawful for the said Commissioners, subject to the restrictions in this Act contained, to enter upon the lands of any corporation or person adjoining to or being within the distance of one hundred yards of the works by this Act authorized to be made or any part thereof, and not being a garden, orchard, plantation or ground planted and set apart as a nursery for trees, for the purpose of depositing upon such lands or any part thereof any soil, gravel, sand, lime, brick, stone or other materials, or for any other purposes connected with the formation of the said works without making any previous payment, tender or deposit, that the said Commissioners doing as little damage as may be in the exercise of the several powers hereby granted to them, and making compensation for such temporary occupation or temporary damage of the said lands to the Owners and Occupiers thereof from time to time, and as often as any such temporary occupation shall be taken or any such temporary damage done by the said Commissioners or other Officers, and making compensation to the Owners, also for the permanent injury (if any) to such lands, and in case the parties differ respecting the amount of the compensation or the respective shares of several claimants of compensation, then and in every such case the said

dispute

disputes respectively shall be settled and adjusted by arbitration or by the verdict of a Jury summoned and assembled in manner provided in Act No. XXII. of 1847.

XL. Provided always, and it is enacted, that before it shall be lawful for the said Commissioners to make any such temporary use as aforesaid of the lands adjoining or lying near to the said works the said Commissioners shall and they are hereby required to give fourteen days' notice of such their intention to the Owners and Occupiers of such lands, and to separate and set apart by sufficient fences so much of the lands as shall be required to be used as aforesaid from the other lands adjoining thereto.

XLI. Provided always, and it is enacted, that the said Commissioners before entering any such adjoining lands for the purposes aforesaid, shall, if required by the Owners or Occupiers of such lands agree with such Owners or Occupiers for the payment of a certain and fixed annual rent in respect thereof during the continuance of such temporary occupation, and the amount of such rent in case the parties differ shall be settled by arbitration or by the verdict of a Jury summoned and assembled in manner provided in Act No. XXII. of 1847.

XLII. And it is enacted, that the said Commissioners shall and they are hereby required in forming any reservoir or works hereby authorized to be made, and any tunnels or water-courses therein or leading thereto at their own expense to make and provide a sufficient number of convenient roads, ways, watering-places, wells, water-courses, drains and channels for the irrigation and for the use of the adjoining lands, and for irrigating the same in those parts where the present roads, ways, watering-places, wells, water-courses, drains and channels shall and may be taken away or interrupted, injured or rendered inconvenient or useless by

reason

reason of the making of the said reservoirs or other works, and in case of any difference arising between the said Commissioners and the Owners of such adjoining lands such difference shall be settled by arbitration or by the verdict of a Jury summoned and assembled in manner provided in Act No. XXII. of 1847.

XLIII. And it is enacted, that when the pavement or soil of any street, public way or public thoroughfare, or any sewer or drain shall be opened or broken up by the said Commissioners or their Officers, or by any other person, they shall with all convenient speed complete the work on account of which the same shall have been broken up and fill in the ground and make good the pavement and soil, and the sewer or drain so opened or broken up and carry away the rubbish occasioned thereby, and shall in the meantime cause the place where such pavement or soil shall be so opened or broken up to be fenced and guarded and shall set up and maintain upon and against the part of the said pavement or soil so broken up or opened a sufficient light during every night whilst such pavement or soil be continued open or broken up.

XLIV. And it is enacted, that all existing public cisterns, tanks, conduits and other water-works used for the gratuitous supply of water to the inhabitants of the said Town shall be continued, maintained and supplied with water by the said Commissioners, and shall be vested in them and be under their management and control, and it shall be lawful for the said Commissioners to erect and place any number of new cisterns, tanks, pumps, conduits or other water-works for the supply of water to the inhabitants of any street, court, alley, public way or public thoroughfare, or of any number of houses as they shall see fit, or to erect the same in any public situation for the gratuitous use of any persons who may choose to carry water away for their private use but not for

sale, and to supply with water any public baths or wash-houses that may be established for the use of the poorer classes.

XLV. And it is enacted, that if the said Commissioners shall neglect or refuse to furnish a sufficient supply of water for domestic purposes as settled and arranged by the said Surveyor to the Owner or Occupier of any dwelling house rated to the rate hereinafter mentioned, it shall be lawful for such Owner or Occupier to deduct from the amount of such rate a sum equal to one-eighth part of the amount payable by him in each quarter for every two days in succession during which such neglect or refusal shall continue after notice in writing shall have been given to the Clerk of the said Commissioners of the want of such supply unless the want of such supply shall arise from great drought or other unavoidable cause or accident.

XLVI. And in order to preserve the water to be supplied by the said Commissioners for the domestic use of the inhabitants of the said Town pure and wholesome, it is enacted, that every person who shall wilfully or knowingly commit any of the following offences shall for every such offence forfeit and pay on summary conviction before a Magistrate a sum not exceeding Fifty Rupees.

1. Every person who shall bathe in any reservoir, aqueduct or other water-works belonging to the said Commissioners, and provided by them for the domestic use of the inhabitants of the said Town, or shall wash or cause to be washed therein any wearing apparel, horse, dog or animal.

2. Every person who shall throw, put or cast any gravel, stone, rubbish, dirt, filth or other noisome or offensive matter or thing into any such reservoir, aqueduct or other water-works as aforesaid, or shall wash

or

or cleanse therein any wool, leather or skin of any animal, or other foul or offensive matter or thing.

3. Every person who shall cause or permit the water of any sink, sewer or drain, or any other offensive liquid matter or thing belonging to him, or flowing or being in any house or building, or upon any ground occupied by him to run drain or be conveyed into any of the springs, rivulets, reservoirs, aqueducts, pipes or other water-works, belonging to the said Commissioners, or who shall commit or cause any other act whatsoever, whereby the water of the said Commissioners shall be in any degree whatsoever fouled or corrupted.

XLVII. And it is enacted, that it shall be lawful for the said Commissioners, and they are hereby required to provide a sufficient number of lamps for lighting such parts of the said Town as the said Commissioners on the report of their said Surveyor shall consider to require the same, and shall keep the said lamps in fit order for public use, and shall keep and employ a sufficient number of persons to cleanse, prepare and light the same, and shall also from time to time as shall be required, increase or otherwise alter the number of the said lamps, and shall renew such of the said lamps as shall become broken or unfit for use so that all the streets of the said Town which the said Commissioners shall consider necessary shall be well and sufficiently provided with light from such hour in the evening of each day until such hour of the morning of each following day, as the said Commissioners shall consider to be fit and proper and necessary, and the whole of the expense of the erection, repair, maintenance, cleansing and supplying with oil and wicks, of each and every of the said lamps and of lighting and keeping lighted the same during such hours as aforesaid shall be borne and paid by the said Commissioners.

XLVIII. And

XLVIII. And it is enacted, that every person who shall wantonly or wilfully destroy, injure, deface or disturb any of the said lamps or extinguish any light therein, or abstract or take away from any of the said lamps any oil or other matter or thing therein, or any part thereof without the order of the said Commissioners, or of their said Surveyor, shall forfeit and pay on conviction before a Magistrate for every such offence any sum not exceeding Fifty Rupees.

XLIX. And it is enacted, that if any party shall have committed any irregularity, trespass or other wrongful proceeding in the execution of this Act, or by virtue of any power or authority hereby given, and if before action brought in respect thereof, such party shall make tender of sufficient amends to the party injured, such last mentioned party shall not recover in any such action when brought, and if no such tender shall have been made, it shall be lawful for the defendant in such action by leave of the Court, where such action shall be pending at any time before issue joined to pay into Court such some of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

L. And it is enacted, that in all cases where any damage, costs or expenses are by this Act directed to be paid, and the method of ascertaining the amount or enforcing the paying thereof is not provided for, such amount in case of dispute, shall be ascertained and determined by arbitration in like manner as is provided for proceeding by arbitration under Act No. XXII. of 1847, and if the parties cannot agree upon two persons as arbitrators or the arbitrators fail to pronounce their award as aforesaid then by any two Magistrates of Calcutta, and if the amount so ascertained be not paid by the said Commissioners or by the other party liable to pay the same, as the case may be, within seven days after demand thereof, the amount may be recovered by action

of

of debt or on the case in Her Majesty's said Supreme Court of Judicature.

LI. And it is enacted, that the said Commissioners shall publish short particulars of the several offences for which any penalty is imposed by this Act, or by any Bye-laws of the said Commissioners affecting other persons than Officers or Servants of the said Commissioners, and of the amount of every such penalty, and shall cause such particulars to be printed on a board or printed upon paper and pasted thereon in English and Bengallee, and shall cause such board to be hung up or affixed in some conspicuous place in the Office of the Clerk of the said Commissioners, and when any such penalties are of local application shall cause such boards to be affixed in some conspicuous place of the immediate neighbourhood to which such penalties are applicable or have reference, and such particulars shall be renewed as often as the same or any part thereof is obliterated or destroyed, and no such penalty shall be recoverable unless such particulars shall have been published and kept published in the manner hereinbefore required, or wantonly and maliciously obliterated or destroyed.

LII. And it is enacted, that if any person shall pull down, break or deface any board put up as required by this Act, or shall obliterate any of the letters or figures thereon, he shall forfeit and pay for every such offence a sum not exceeding Fifty Rupees, and shall also defray the expenses attending the restoration of such board.

LIII. And it is enacted, that every penalty or forfeiture imposed by this Act, or by any Bye-law made in pursuance thereof, the recovery of which is not otherwise provided for may be recovered by summary proceeding before any Magistrate of Calcutta, and on complaint being made to any such Magistrate, he shall issue his summons requiring

 the

the party complained against to appear before him at a time and place to be named in such summons, and every such summons shall be served on the party offending either in person or by leaving the same at his usual or last known place of abode, and upon the appearance of the party complained against or in his absence after proof of the due service of such summons, it shall be lawful for such magistrate to proceed to the hearing of the complaint which complaint shall be reduced to writing, and upon proof of the offence either by the confession of the party complained against, or upon the oath or solemn affirmation of one credible witness or more, it shall be lawful for such Magistrate to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred as well as such costs attending the conviction as such Magistrate or Assistant Magistrate shall think fit, which penalty or forfeiture and costs so adjudged may be levied by distress.

LIV. And it is enacted, that where in this Act or in Act No. XVI. of 1847, any sum of money whether in the nature of penalty or otherwise is directed to be levied by distress, such sum of money shall be levied by distress and sale of the Goods and Chattels of the party liable to pay the same, and the overplus arising from such Goods and Chattels after satisfying such sum of money, and the expenses of the distress and sale shall be returned on demand to the party whose Goods shall have been destrained.

LV. And it is enacted, that no distress levied by virtue of this Act, or of Act No. XVI. of 1847, shall be deemed unlawful, nor shall any party making the same be deemed a trespasser on account of any defect or want of form in the summons, conviction, warrant of distress or other proceeding relating thereto, nor shall any such party be deemed a trespasser ab initio on acccount of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may and shall

shall recover full satisfaction for the special damage in an action on the case in Her Majesty's said Supreme Court.

LVI. And it is enacted, that the Magistrate by whom any such penalty or forfeiture shall be imposed may when the application thereof is not otherwise provided for, award not more than one-half thereof to the informer, and shall award the remainder to the said Commissioners to be by them applied to the purposes of this Act as to them shall appear fit, and shall order the same to be paid over to the Clerk of the said Commissioners for that purpose whose receipt shall be a good and sufficient discharge to the person so paying the same.

LVII. And it is enacted, that no person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this Act, for any offence complained of before a Magistrate, unless the complaint respecting such offence shall have been made before such Magistrate within six months next after the commission of such offence.

LVIII. And it is enacted, that if through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by this Act, any damage to the property of the said Commissioners shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of such damages shall in case of dispute be determined by the Magistrate by whom the party incurring such penalty shall have been convicted, and in case such damages shall not be paid on demand the same may be recovered by action of debt or on the case in Her Majesty's said Supreme Court of Judicature.

LIX. And it is enacted, that it shall be lawful for any Magistrate to summon any person to appear before him as a witness in any matter in which

which such Magistrate shall have jurisdiction under the provisions of this Act at a time and place to be mentioned in such summons, and require from him an oath or solemn affirmation that he will testify the truth in such matter, and if any person so summoned shall without reasonable cause refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses if from distance or any other cause he shall be lawfully entitled to claim such expenses, or if any person appearing shall refuse to be examined on his oath or solemn affirmation according to law, or to give evidence before such Magistrate or Assistant Magistrate, every such person shall for every such offence forfeit and pay a sum not exceeding Fifty Rupees.

LX. And it is enacted, that in Acts No. XVI. of 1847, and No. XXII. of 1847, and in this Act, the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say,) words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number, words importing the masculine gender only shall include females unless the word male is used. The word "person" shall include corporations whether aggregate or sole. The words "Oath," "Affirmation" and "Solemn Affirmation" when used alone shall include oath or affirmation or other declaration lawfully substituted for an oath in such case by any Legislative Act of the Governor General of India in Council, or by any Act of the Parliament of Great Britain extended to India. The word "Street" shall include any square, circus, street, court, alley, footpath, highway, lane road, thoroughfare, public passage or other public place within the said Town. The words "the said Commissioners" shall mean the Commissioners for the time being appointed under the provisions of Act No. XVI. of 1847.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. III. OF 1848.

Passed by the Right Hon'ble the Governor General of India in Council on the 26th February, 1848.

An Act for removing doubts as to the meaning of the words "Thug" and "Thuggee," and the expression "Murder by Thuggee," when used in the Acts of the Council of India.

WHEREAS doubts have arisen as to the meaning of the words "Thug" and "Thuggee," and the expression "Murder by Thuggee," when used in the Acts of the Council of India: –

It is hereby declared and enacted, that the word "Thug" when used in any Act heretofore passed by the Council of India, shall be taken to have meant and to mean a person who is, or has at any time been habitually associated with any other or others for the purpose of committing, by means intended by such person or known by such person to be likely to cause the death of any person, the offence of Child-stealing or the offence of

of Robbery not amounting to Dacoity. And that the word "Thuggee" when used in such Acts shall be taken to have meant and to mean the offence of committing or attempting any such Child-stealing or Robbery by a Thug. And that the expression "Murder by Thuggee" when used in such Acts shall be taken to have meant and to mean Murder when employed as the means of committing such Child-stealing or such Robbery by a Thug.

Calcutta, 1848.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. IV. OF 1848.

Passed by the Right Hon'ble the Governor General of India in Council on the 26th of February, 1848.

An Act for regulating Coroner's Juries.

IT is hereby enacted, that from and after the First day of May, 1848, on all Inquests to be held by the Coroners of Calcutta, Madras or Bombay, no greater number than five Jurors shall be necessary, and that every finding of a Jury consisting of five Jurors shall be to all intents and purposes as good, valid and effectual in Law, as if such finding had been the finding of twelve Jurors.

II. And it is hereby enacted, that when any person shall have been duly summoned to attend as a Juror by any of the said Coroners, and shall fail or neglect to attend at the time and place specified in such summons, it shall be lawful for any such Coroner to cause such person to be openly called in his Court three times to appear and serve as a Juror, and upon the non-appearance of such person and proof that such summons has been served upon him, or left at his usual place of abode, to impose such fine upon the person so making default, not exceeding Fifty Rupees, as to such Coroner shall seem fit, and such Coroner shall make out and sign a Certificate containing the name and surname, the residence and trade, or calling of every person so making default, together with the amount of the fine which shall

shall have been imposed, and the cause of such fine, and shall transmit such certificate to one of the Magistrates of the Presidency of which he is the Coroner, and shall cause a copy of such certificate to be served upon the person so fined, by having it left at his usual place of residence, or by sending the same through the Post Office, addressed as aforesaid, and thereupon such Magistrate shall cause such fine to be levied according to the provisions of Act No. II. of 1839, in the same manner as if such fine had been imposed by himself.

III. And whereas it is expedient to make provisions for supporting Coroner's Inquisitions and for preventing the same from being quashed on account of technical defects:

It is therefore hereby enacted, that no Inquisition found upon or by any Inquest of any of the said Coroners, nor any judgment recorded upon or by virtue of any such Inquisition shall be quashed, stayed, or reversed for want of the averment therein, of any matter unnecessary to be proved, nor for the omission of the words "with force and arms," or of the words "against the peace," or of the words "against the form of the Statute," or for the omission or insertion of any other words or expressions of mere form or surplusage, nor for the insertion of the words "upon their oath," instead of the words "upon their oaths," nor for omitting to state the time at which the offence was committed when time is not of the essence of the offence, nor for stating the time imperfectly, nor because any person or persons mentioned in any such Inquisition is or are designated by a name of office or other descriptive appellation instead of his, her or their proper name or names, nor by reason of the non-insertion of the names of the Jurors in the body of any such Inquisition, or of any difference in the spelling of the names of any of the Jurors in the body of

any

any such Inquisition and the names subscribed thereto, nor because any Juror or Jurors shall have set his or their mark or marks to any such Inquisition instead of subscribing his or their name or names thereto, nor because any such mark or marks is or are unattested, provided that the name or names of such Juror or Jurors is or are set forth, nor because any Juror or Jurors has or have signed his or their Christian name or names or other name or names which is not or are not a family name or names by means of an initial or partial signature only, and not at full length, nor because of any erasures or interlineations appearing in any such Inquisition, unless the same shall be proved to have been made therein after the same was signed, nor (except only in cases of murder or manslaughter) for or by reason of any such Inquisition not being duly sealed or written upon parchment, nor by reason of any such Inquisition having been taken before any Deputy instead of the Coroner himself, nor because the Coroner and Jury did not all view the body at one and the same instant, provided that they all viewed the body at the first sitting of the Inquest, and in all or any such cases of technical defect as are hereinbefore mentioned, it shall be lawful for any Judge of Her Majesty's Supreme Court at the Presidency at which such Inquest shall have been held, if he shall so think fit, upon the occasion of any such Inquisition being called in question before him, to order the same to be amended in any of the respects aforesaid, and the same shall forthwith be amended accordingly.

IV. And it is enacted, that it shall be lawful for each of the Coroners of Calcutta, Madras and Bombay from time to time to appoint by writing under his hand and seal a fit and proper person, such appointment being subject to the approval of the Governor of the Presidency of which he is the Coroner, to act for him as his Deputy in the holding of Inquests; and all Inquests taken and other acts performed by any such Deputy Coroner under

under and by virtue of any such appointment shall be deemed and taken to be the acts and deeds of the Coroner by whom such appointment was made. Provided that no such Deputy shall act for any such Coroner except during the illness of the said Coroner or during his absence for any lawful and reasonable cause. Provided also that every such appointment may at any time be cancelled and revoked by the Coroner by whom the same was made.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. V. OF 1848.

Passed by the Right Hon'ble the Governor General of India in Council on the 4th of March, 1848.

An Act to amend the Law regarding the taking of Mochulkas or Penal Recognizances.

I. IT is hereby enacted, that Section 4, Regulation IV. of 1825, of the Bengal Code, is repealed.

II. And it is hereby enacted, that in the Territories subject to the Presidency of Bengal, it shall be lawful for the Zillah and City Magistrates and Joint Magistrates to take Mochulkas or Penal Recognizances in the form annexed to this Act, as well from British subjects as from other persons in all cases wherein it may appear just and necessary to require the same for the maintenance of the peace in their respective jurisdictions although the party to be bound in such recognizances may not have been convicted of any specific offence, provided that the amount of the recognizance in all such cases shall be proportionate to the condition in life of the said party and to the circumstances of the case.

III. And it is hereby enacted, that in cases of an aggravated nature wherein it may appear necessary to require security for keeping the peace

in

in addition to the recognizance of the party, it shall be lawful for such Magistrates to direct the same and to fix a reasonable amount for the security bond to be executed in the form annexed to this Act by the surety or sureties.

IV. And it is hereby enacted, that whenever it shall appear to the Magistrate that the period for which the party should be bound to keep the peace with or without additional security, need not exceed one year, it shall be lawful for him, without reference to superior authority, to give directions accordingly, and in default of such recognizance or additional security, to commit the party to prison in the Civil Jail until he shall do what has been required of him.

V. And it is hereby enacted, that whenever it shall appear to the Magistrate that the period for which the party should be bound to keep the peace with or without additional security ought to exceed the period of one year, the Magistrate shall record his opinion to that effect with an order specifying the amount of recognizance and security as well as the number of sureties which should in his judgment be required, and the period for which the recognizance and security should be required, which however shall in no case exceed three years. If the party shall not furnish the recognizance and security so required, the proceedings shall be laid before the Sessions Judge, who, after examining them and calling for any further information which he may think necessary, shall pass orders on the case confirming, modifying or annulling the orders of the Magistrate, and if the orders so passed by the Sessions Judge confirm to any extent the requisition for recognizance or securities the Sessions Judge shall direct the Magistrate to commit the party to prison in the Civil Jail until he shall do what has been required of him.

VI. Provided

VI. Provided always and it is hereby enacted, that no party shall be kept in prison under the foregoing provisions of this Act for a longer period than that for which the recognizance and securities have been required from him.

VII. And it is hereby enacted, that the Provisions contained in Sections V. VI. and VII., of Regulation VIII. of 1818, of the Bengal Code, shall be applicable to all persons confined under the foregoing provisions of this Act, and to all sureties who shall have given security under this Act.

VIII. And it is hereby enacted, that whenever it may be proved before the Magistrate that any such recognizance has been forfeited, he shall proceed to enforce the penalty of such recognizance in the mode prescribed for the satisfaction of decrees of the Civil Court.

IX. And it is hereby enacted, that whenever it may he proved before the Magistrate that any such recognizance has been forfeited if a security bond shall have been taken and the Magistrate shall think that proceedings should be had upon such bond, he shall give notice to the surety or sureties to pay the penalty, or to shew cause why it should not be paid, and if no sufficient cause shall be shewn, the Magistrate shall proceed to recover the penalty from such surety or sureties by the attachment and sale of any of his or their property in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court, and if the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement by order of the Magistrate in the Civil Jail of the station during a period not exceeding six months.

X. And

X. And it is hereby enacted, that all sentences and orders passed under this Act shall be appealable subject to the general provisions which regulate appeals.

XI. And it is hereby enacted, that in the Territories subject to the Presidency of Bengal all Mochulkas and Security Bonds which by force of any Act or Regulation may be taken by Criminal Courts of the East India Company or by Zillah or City Magistrates or Joint Magistrates for keeping the peace or for good behaviour, may be enforced in the manner prescribed by Sections VIII. and IX. of this Act.

FORM OF MOCHULKA.

Whereas I inhabitant of have been called upon to enter into a Mochulka to keep the peace for the term of I hereby bind myself not to commit any act that can occasion a breach of the peace during the said term, and in case of my making default therein I bind myself to forfeit to Government the sum of Rupees dated

FORM OF SECURITY.

Whereas inhabitant of has been called upon to give security to keep the peace for the term of I hereby declare myself surety for the said that he shall not commit any act that can occasion a breach of the peace during the said term. And in case of his making default therein I hereby bind myself to forfeit to Government the sum of Rupees dated

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. VI. OF 1848.

Passed by the Right Honorable the Governor General of India in Council on the 4th March, 1848.

An Act for equalizing the Duties on Goods imported and exported on Foreign and British Bottoms, and for abolishing Duties on Goods carried from Port to Port in the Territories subject to the Government of the East India Company.

I. IT is hereby enacted, that from and after the Twenty-fifth day of March 1848, all Goods imported on Foreign Bottoms by Sea into any Port of the Presidencies of Fort William in Bengal, Fort St. George, or Bombay shall be charged only with the same rates of duty as such goods would now by Law be charged with if such goods were imported into any of the said Ports on British Bottoms, any thing in any Act of the Council of India contained to the contrary notwithstanding.

II. And it is hereby enacted, that from and after the said day all Goods exported on Foreign Bottoms by Sea, from any Port of the said Presidencies, shall be charged only with the same rates of duty as such goods

goods would now by law be charged with if such goods were exported from any of the said Ports on British Bottoms, any thing in any Act of the Council of India contained to the contrary notwithstanding.

III. And it is hereby enacted, that from and after the said day no duty shall be charged on any Goods lawfully carried from any Port in the Territories subject to the Government of the East India Company to any other Port in the said Territories, any thing in any Act of the Council of India contained to the contrary notwithstanding.

IV. Provided always, that nothing in this Act contained shall apply to the Articles of Salt or Opium.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. VII. OF 1848.

Passed by the Right Hon'ble the Governor General of India in Council on the 25th of March, 1848.

An Act to except certain free Ports from the operation of Section III., Act No. VI. of 1848, *and otherwise to amend that Act.*

I. IN modification of Section III., Act No. VI. of 1848, it is hereby enacted, that the provisions of the said Section shall not apply to Goods exported from any part of the Territories subject to the Government of the East India Company, to any of the ports in the Straits of Malacca, or to any of the ports in the Tenasserim Provinces, or to any of the ports in the Province of Arracan, nor to Goods imported from any of those ports into any port of the said Territories.

II. And it is hereby enacted, that no drawback shall be allowed on the re-export of Goods from any port in the Territories, subject to the Government of the East India Company to any other port in the said Territories, to which the operation of Section III., Act No. VI. of 1848, may extend.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. VIII. OF 1848.

Passed by the Governor General of India in Council on the 25th of March, 1848.

To modify the provisions of Sections 9, 10, 11 *and* 13 *of Regulation V.* 1812, *of the Bengal Code.*

IT is hereby enacted, in modification of the provisions of Sections 9, 10, 11 and 13 of Regulation V. 1812 of the Bengal Code, that if any ryot or tenant of land, upon whom such notice or demand as is specified in the said Sections is to be served, shall have no place of usual residence in the zillah where the land to which such notice or demand has reference is situate, the mode of serving such notice or demand with a jumma wassil baukee shall be by affixing it at the Maal Cutcherry of such land, or other conspicuous place thereon or at the village Chouree, Choupal, or other conspicuous place in the village.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. IX. OF 1848.

Passed by the Governor General of India in Council on the 25th of March, 1848.

An Act to repeal Acts No. XII. of 1839 *and No. XII. of* 1840, *and to raise funds for Police and Municipal purposes throughout the Settlement of Prince of Wales' Island, Singapore and Malacca, and the dependencies and places subordinate or annexed thereto, by levying an Assessment upon the rents, produce and income derived from Buildings and Lands within the said Settlement, and by taxing Carriages, Waggons, Carts, Horses, and Mules kept or used within the same.*

I. IT is hereby enacted, that from and after the First day of January 1849, Act No. XII. of 1839 and Act No. XII. of 1840, are repealed.

II. And it is hereby enacted, that from the said First day of January 1849 an Assessment at a rate not exceeding ten per cent., to be fixed from time to time, as he shall think fit, by the Chief Civil Authority within the incorporated Settlement of Prince of Wales' Island, Singapore and Malacca, shall be levied every half-year in advance on the actual or estimated rents of all Houses, Shops and other Buildings situated within the said Settlement and the dependencies and places now or hereafter to be subordinate or annexed thereto, to be paid by the Tenant or Tenants, or Occupier or Occupiers of such Houses, Shops and other Buildings at the time of such Assessment. Provided always, that the several Houses

or Buildings specified in Schedule A hereunto annexed, shall be exempted from Assessment under this Act.

III. And it is hereby enacted, that from and after the day aforesaid an Assessment at a rate not exceeding five per cent., to be fixed from time to time as he shall see fit by the said Chief Civil Authority, shall be levied half-yearly or annually upon the actual rent or upon the value of the net produce derived from all lands situated in the said Settlement, dependencies and places held, possessed, or used for purposes of agriculture or cultivation of any description whatsoever. Provided always, that no Assessment shall be charged on any rent paid as quit rent to the East India Company for lands held under leases or other titles from the said Company, and that the produce of lands of less extent than three (3) acres used for the cultivation of Paddy, Siri, or Vegetables, and lands of which the annual net produce shall be less than Ten Spanish Dollars, if it shall be the sole assessable property of any one or more persons, shall be exempted from the payment of any Assessment under this Act.

IV. And it is hereby enacted, that in order to ascertain the value of the net produce of any such lands for any one year or half-year for the purpose of levying such Assessment the amount of outlay actually paid and expended during that particular period in and upon the lands yielding such produce and in the manufacture of any such produce (not including either the purchase money of such lands, or the original outlay thereon, or the cost or purchase money of any articles of Machinery used or employed, or of any Buildings erected thereon) shall be deducted from the estimated value, at the then local current rate, of the gross quantity or amount of produce whether manufactured or otherwise derived from such lands, and that upon the overplus or net balance value so ascertained the said Assessment shall be levied and paid.

V. And it is hereby enacted, that in order to facilitate the collecting of Assessment on lands in manner specified in Section IV. of this Act, it shall and may be lawful for the Collector or other Officer appointed in manner hereinafter mentioned to collect the same at each of the said Stations of Prince of Wales' Island, Singapore and Malacca, and the dependencies and places aforesaid to require the Owner, Occupier, Agent, Superintendent or other person in charge of any such lands to furnish him either annually or half yearly in writing under his or their hand or hands, with a true and detailed statement of the gross and actual quantity and amount of produce of what nature and kindsoever yielded by the said land or manufactured therefrom during either of the said periods, and likewise a true and detailed statement of the amount of actual outlay paid and expended in the cultivation of the said land and in the preparation or manufacture of the produce thereof during the like periods, which said statements shall be verified by oath or affirmation to be made by such person or persons before one of Her Majesty's Justices of the Peace at such Station (who is hereby authorized and required to administer the same) if thereto required by the said Collector or other Officer as aforesaid. And any person or persons who shall refuse to make such oath or affirmation, or who shall refuse to furnish such statement, shall on conviction thereof before the Court of Quarter Session at such Station, be liable to pay a fine not exceeding Two Hundred Spanish Dollars, and in default of payment thereof to be imprisoned for a term not exceeding two months.

VI. And it is hereby enacted, that from and after the day aforesaid a Tax shall be levied half-yearly in advance on all Carriages, Waggons, Carts, Horses, Mules and Elephants in use or kept within the said Settlement, dependencies and places to be charged on the Owner or Owners, or where the Owner is absent or cannot be ascertained, on the person or persons in charge thereof, at the following rates, that is to say: On every four or three wheeled Carriage, per annum,... 10 Sp. Drs.

On

On every two wheeled Carriage, per annum, ...	8	Sp.	Drs.
On every Waggon drawn by man or beast per annum,...	8	„	„
On every Cart drawn by any description of Cattle, per annum, ...	6	„	„
On every Cart drawn by man, per annum, ...	4	„	„
On every Horse or Mule, per annum, ...	2	„	„
On every Elephant, per annum, ...	12	„	„

and that if the payment of any such Tax shall not be duly made it shall be lawful for any Justice of the Peace upon being satisfied that due diligence has been used to obtain payment, to issue his Warrant for levying the amount of such Tax by seizing and selling the Goods and Chattels of the person or persons so charged with the payment of such Tax and so making default. Provided always, that the several vehicles and animals, specified in Schedule B hereunto annexed, shall be exempted from the payment of any Tax under this Act.

VII. And it is hereby enacted, that the Chief Civil Authority of the said Settlement shall have power to appoint a Collector or Collectors, or such other Officer or Officers as may be deemed requisite for the collection of the Assessment and Taxes leviable under this Act at the several Stations of Prince of Wales' Island, Singapore and Malacca, and the dependencies and places subordinate or annexed thereto respectively.

VIII. And it is hereby enacted, that in any case where payment shall not be duly made of any Assessment charged and demanded under authority of this Act, the Collector or other Officer appointed to collect the same shall certify in writing such non-payment to any Justice of the Peace who, if he shall be satisfied that due diligence has been used to obtain payment, and that the same has been improperly withheld, shall issue his Warrant for levying the amount of such Assessment by seizure and sale of any Goods and Chattels and growing Crops whatsoever and

to

to whomsoever belonging in or upon the Houses, Shops or other Buildings, or in or upon the lands respectively charged, and the overplus if any, after deducting the expences of such seizure and sale, shall be paid to the Owner or Owners of the Goods, Chattels, or growing Crops so seized and sold, or to the person or persons in whose possession the same may have been found.

IX. And it is hereby enacted, that it shall be competent for the Collector or other Officer appointed to collect the aforesaid Assessment and Taxes at the said Stations of Prince of Wales' Island, Singapore and Malacca, and the dependencies and places aforesaid, in lieu of proceeding against defaulters by Warrant of Distress as aforesaid, to sue in his name for the recovery of any arrears through any Court of Justice to which such defaulters shall or may be amenable.

X. And it is hereby enacted, that the Court of Quarter Session of the said Settlement shall have power to hear and determine in such manner as to the said Court shall seem just all appeals by parties who may feel themselves aggrieved by, or who may have any reason to object to any demand for payment of any Assessment or Tax leviable under this Act whether on the ground of surcharge or otherwise, provided always, that before any application for any such appeal shall be entertained by the said Court the party or parties making the same shall first pay the amount of the Assessment or Tax charged, and at the time of such payment give notice in writing of his or their intention to appeal to the Collector or other Officer by whom such Assessment or Tax may have been demanded.

XI. And it is hereby enacted, that no appeal shall be allowed by the said Court of Quarter Session unless the same shall have been made and prosecuted within three months from the time of payment of the amount of Assessment or Tax demanded and delivery of such notice to the Collector or other Officer aforesaid.

XII. And

XII. And it is hereby enacted, that the monies collected from the Assessment and Taxes leviable under this Act at the said several Stations of Prince of Wales' Island, Singapore and Malacca, and the dependencies and places aforesaid, shall be called the "Municipal Fund," and that the same or so much thereof as shall be required shall be applied in manner hereinafter mentioned, towards the payment and maintenance of an efficient Police and of an Establishment for the collection of the said Assessment and Taxes at each of the said Stations, dependencies and places; and also towards the efficient watching, repairing, renewing, cleansing, draining and keeping in repair the public Roads and Streets and all other public thoroughfares in Town and Country at each of the said Stations, dependencies and places; and also towards the repairing, renewing, building, rebuilding, cleansing and securely upholding all public Bridges, Jetties, Quays, Aqueducts, Canals, Sluices, Sewers and Sluice-gates made for or in the occupation or use of the public at the said Stations, dependencies and places either made, commenced or hereafter to be made; and also towards the lighting of the said public Streets and Bridges, and to the effecting of other purposes necessary for the comfort and protection of the inhabitants of the said Settlement, dependencies and places. Provided always, that all Roads, Streets and Bridges leading to and terminating at any Government House and other Building belonging to Government, or any Military Post, Barracks or Cantonment, or any Hospital, Poor House, Sailor's Home or other Benevolent or Charitable Institution under the patronage of Government, or any place of Public Worship shall be deemed to be Public Roads, Streets and Bridges within the meaning of this Act.

XIII. And whereas it is desirable, that a certain number of the Rate-payers of the said Settlement should from time to time be appointed to assist the Government in the management of the said Municipal Fund, as well as in the performance of other Municipal Acts hereinafter mentioned: It is hereby enacted, that it shall be lawful for the Chief Civil Authority

Authority of the said Settlement for the time being, from time to time, to nominate and appoint at each of the said Stations of Prince of Wales' Island, Singapore and Malacca, a Municipal Committee to consist of five resident Rate-payers, of whom two shall be Officers of the local Government, and in case it shall be found impracticable from refusal to act, to obtain at either of the said Stations a sufficient number of unofficial persons to compose such Committee, it shall be competent for the said Chief Civil Authority to nominate and appoint a Committee of three resident Rate-payers instead of five; and that it shall be competent for the said Municipal Committee in conjunction with the said Chief Civil Authority, and under and in conformity with such orders and instructions as may from time to time be issued by the Governor of Bengal, to make order for the performance of the several objects and purposes specified and contained in Section XII. of this Act for which provision is thereby directed to be made out of the said Municipal Fund; and to authorize and sanction the payment and disbursement of all Bills and Charges for the same. Provided, nevertheless, that it shall be competent for the said Chief Civil Authority at any time, if he shall think fit, to refer any matter or thing whatsoever herein to be done and performed for the sanction or instructions of the Governor of Bengal, accompanied by the opinion or observations thereon of the said Municipal Committee, and that nothing in this Act contained shall be construed to affect any of the provisions of Act No. III. of 1847.

XIV. And it is hereby enacted, that the said Municipal Committee shall have power to make Rules and Regulations, subject to the approval of the said Chief Civil Authority, for more fully and effectually carrying out and performing the objects and purposes specified in Sections XII. and XIII. of this Act, and to alter or amend the same from time to time as may be necessary subject to the like approval.

XV. And it is hereby enacted, that as soon after the 1st day of January in every year as may be practicable, the Collector or other

Officer

Officer appointed to collect the Assessment and Taxes under this Act at each of the said Stations of Prince of Wales' Island, Singapore and Malacca, shall prepare a detailed Statement of the said Municipal Fund exhibiting the sums collected under the respective heads of Assessment, Taxes or otherwise during the preceding year, and shewing also the disbursements which have been made during the same period, and that the said statement shall be published at the Station to which it relates in a Newspaper, and if such Station shall have no Newspaper then the publication shall be made in some Newspaper at any of the other Stations; and the said statement shall also be open to general inspection at the Office of such Collector or other Officer for a period of one month from the date of its publication.

XVI. And it is hereby enacted, that the Officer Superintending the Police at each of the said Stations of Prince of Wales' Island, Singapore and Malacca, shall between the 1st and 15th day of January in every year, require the Owners of all Palanquin Carriages, Carts, and other Vehicles, kept in such Station for the purpose of being let to hire for the conveyance of passengers or goods to enter such Palanquin Carriages, Carts and other Vehicles, in a Register to be kept for that purpose at the Police Office of such Station. And every Owner of a Palanquin Carriage, Cart or other Vehicle subject to such registration who shall omit or refuse to enter such Vehicle at the Police Office in manner aforesaid, shall on conviction before a Justice of the Peace, pay for each offence a fine not exceeding Twenty Spanish Dollars, with costs of prosecution to be recoverable on non-payment by Warrant of Distress and sale under the hand of the convicting Justice of the Peace, and the overplus, if any, of the Goods and Chattels sold shall be paid to such Owner or Owners.

XVII. And it is hereby enacted, that every Owner of a registered Palanquin Carriage, Cart or other Vehicle who shall neglect to place in a conspicuous part of such Vehicle a numbered board which shall be furnished

furnished to him by the Registering Officer, shall on conviction before a Justice of the Peace, pay a fine not exceeding Five Spanish Dollars for each offence, to be recovered in manner specified in the last foregoing Section.

XVIII. And it is hereby enacted, that all Quarter Session and Police fees, fine, poundage, and forfeitures imposed, levied and paid at each of the said Stations of Prince of Wales' Island, Singapore and Malacca shall be forthwith paid into the said Municipal Fund at such Station in aid of the several purposes specified in Section XII. of this Act.

XIX. And it is hereby enacted, that no Assessment or Charge made under authority of this Act shall be impeached or affected by reason of any mistake in the name of any person liable to Assessment or Tax, or of any thing chargeable with Assessment or Tax, or any mistake in the amount of Assessment or Tax charged provided the directions of this Act be in substance and effect complied with; and that no proceedings or other matter or thing had or done under this Act shall be quashed or set aside for want of form in any Court or Courts of Justice.

SCHEDULE A.

Referred to in Section II. of this Act.

To be exempted from the payment of Assessment.

PUBLIC BUILDINGS.

Hospitals, Poor Houses, Places of Worship, Charitable and Benevolent Institutions and Schools not used as Private Dwelling Houses,

Convict Lines, Gaols, Barracks or Lines for Soldiers, Police Offices and Thannahs.

PRIVATE BUILDINGS.

Mills, Drying and Boiling Houses, Out Offices and Labourers' Huts belonging and attached to Estates and Plantations; and any Dwelling House, Shop or other Building which shall not have been used or occupied for more than three months in any one year; and any Attap Huts or Sheds belonging and attached exclusively to Vegetable Gardens and Paddy Fields consisting of not more than five acres, and any House or Building of which the annual value or rent shall be less than Six Spanish Dollars if it shall be the sole assessable property of the person or persons charged therewith.

SCHEDULE B.

Referred to in Section VI. of this Act.

To be exempted from the payment of Taxes.

Waggons and Carts bearing the Owner's name painted in large letters on some conspicuous part of each, and not used on the public highway.

Waggons and Carts being the bonâ fide property of Government, and used in the publie service.

Hearses kept exclusively for the removal of the Dead.

Elephants kept exclusively within Estates or Plantations, and not brought or used upon the public Roads or Bridges.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. X. OF 1848.

Passed by the Right Honorable the Governor General of India in Council on the 8th April, 1848.

An Act for annexing the lapsed State of Mandvee to the Presidency of Bombay.

WHEREAS the State of Mandvee has lapsed to the British Government:—

I. It is hereby enacted, that from and after the 1st day of May, 1848, the lapsed State of Mandvee, as described in the annexed Schedule, shall be subject to all Regulations and Acts which are, or shall be, in force within the Territories subject to the Presidency of Bombay.

II. And it is hereby enacted, in modification of Section XXI. Regulation II. of 1827; of Section VI. Regulation XVI. of 1827; and Sections IX., XVI. XXXIV. and XLIX. of Regulation XVII. of 1827, that suits on the following subjects shall not be cognizable by the Civil Courts within the said lapsed State of Mandvee:

1st. All claims for damages against persons in authority under the late Government for abuse of power during that period.

2d. All

2d. All claims against Government on account of Enams.

3d. All claims against Government on account of Jagheers, Wurshasuns, Pensions, Nemnooks and other advantages not hereditary.

4th. All disputes regarding public Rent or Revenue payable to Government, and all complaints of exaction by Mamlutdars, or District or Village Officers.

5th. All claims on account of Village debts, all Village boundary disputes, and disputes regarding the use of wells and water courses.

III. And it is hereby enacted, that the Governor of Bombay in Council shall be, and is hereby empowered to exempt from the jurisdiction of the Civil and Criminal Courts, the Widows and such of the present relatives of the late Rajas of Mandvee as may to him seem proper, and to declare the persons so exempted amenable to the authority of an Agent whom he may appoint for this purpose.

SCHEDULE.

Territorial Description of the Purgunna of Soowangiah, constituting the lapsed State of Mandvee.

It is bounded on the East by Punch Molee Purgunna, belonging to His Highness the Guicowar.

On the West, by Turkeswur Purgunna of the Surat Zillah, and Gullah Purgunna belonging to His Highness the Guicowar.

On the North, by Wusravee and Nausur Purgunnas belonging to His Highness the Guicowar, and Koondha Purgunna belonging to the Raja of Rajpeepla.

On

On the South, by Timbah Beearah and Soonghur Purgunnas belonging to His Highness the Guicowar, and Kurod and Walore Purgunnas of the Surat Zillah.

It comprises the undermentioned Towns and Villages 162.

Town of Mandvee situated on the North Bank of the Taptee River.

Purgunna Soowangiah.

1. Kherpor.
2. Kakurwa.
3. Poonah.
4. Oon.
5. Oosked.
6. Umul Saree.
7. Ghorsumba.
8. Gamtulao Boojgur.
9. Godawaree.
10. Boree.
11. Nundpor.
12. Khuralee.
13. Oomersaree, J.
14. Kosaree, J.
15. Kumlapor, J.
16. Vureth.
17. Kakrapar.
18. Bulunga.
19. Peepulwara.
20. Kanaghat.
21. Undhatree.
22. Hureepor.
23. Gangpor Hursud.
24. Dudwara.
25. Berdha.
26. Bhat Khaee.
27. Surkooee.
28. Umulwan.
29. Jetpo.
30. Keodee, E.
31. Kurootha, E.
32. Zhuree.
33. Umulchoonee, J.
34. Velunghur.
35. Ambapor, J.
36. Lakhakhan.
37. Wensala.
38. Katkoowa, J.
39. Rukhus Khuree.
40. Kurwutee.
41. Hurunwao.
42. Kheempor.
43. Chandpor, J.
44. Rukhwao.
45. Mugutroo.
46. Khaturdevee.
47. Khurgam.

47. Khurgam.
48. Goondwan.
49. Bulalteeruth.
50. Roondha.
51. Muhoodee.
52. Gangpor Dewah Ranah.
53. Makungur.
54. Deoghuree, J.
55. Limdha.
56. Tarapor.
57. Maldha.
58. Joonwan, J.
59. Keemdoongra.
60. Larkoowa.
61. Choramba, J.
62. Esur.
63. Patawaree.
64. Deoghur.
65. Undharwaree.
66. Kunujwan, J.
67. Dhuj.
68. Dhujamba.
69. Kolkhuree.
70. Looharwur.
71. Bulettee.
72. Solee.
73. Puterkooee.
74. Jamkooee.
75. Peepulwan.
76. Bhoondha.
77. Amlee.
78. Surapara.
79. Limbaree.
80. Chelwas.
81. Gungapor.
82. Jamunkoowa.
83. Peechurwan.
84. Undhatree.
85. Sursee.
86. Bhensee.
87. Jhuree.
88. Burtul.
89. Sutwao.
90. Oomurkhuree.
91. Gamtulao Khoord.
92. Tursarah Khoord.
93. Kulumkoowa.
94. Khurera.
95. Foolwaree.
96. Gordha.
97. Veesdaleeya.
98. Vagnera.
99. Guntolee.
100. Roopun.
101. Vularghur.
102. Saluya.
103. Moreetha.
104. Kaleebel.
105. Teetoee.
106. Regama.
107. Dadakooee.
108. Purwut.
109. Khor Amba.
110. Kalmoee.
111. Patul.
112. Kumlasotee.
113. Kolsanoo.

113. Kolsanoo.
114. Tooked.
115. Mudhul Kooee, J.
116. Oontewah.
117. Jhab.
118. Choorel.
119. Kusal.
120. Fulee.
121. Pardee.
122. Ambah.
123. Kurwulee.
124. Boudhan.
125. Muthasroo.
126. Vurelee.
127. Patna.
128. Keodyoon.
129. Peepultha.
130. Tukwarah.
131. Oomerwan.
132. Vurod.
133. Nougamah.
134. Kolakooee.
135. Dhurumpor.
136. Togapor.
137. Oosked.
138. Khanpor.
139. Rohenee.
140. Untrolee.
141. Boreegala.
142. Jhurpun.
143. Ureth.
144. Veghee.
145. Nuryn.
146. Guwachee.
147. Khunjrolee.
148. Khaler.
149. Peepureeya, J.
150. Tursara.
151. Jamunkoowa.
152. Vurjakhund.
153. Jhakla.
154. Beerama.
155. Sadree.
156. Rutuneeya.
157. Vuseegam.
158. Naneecher.
159. Mooteecher.
160. Vanklah.
161. Rajwur.
162. Rajpoora Loombha.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XI. OF 1848.

Passed by the Governor General of India in Council on the 20th of May, 1848.

An Act for the punishment of wandering gangs of Thieves and Robbers.

WHEREAS it is expedient to extend some of the Provisions of the Law for the conviction of Thugs and Dacoits to other gangs of Thieves and Robbers, It is enacted as follows:

I. Whosoever shall be proved to have belonged either before or after the passing of this Act to any wandering gang of persons, associated for the purposes of theft or robbery, not being a gang of Thugs or Dacoits, shall be punished with imprisonment with hard labour for any term not exceeding seven years.

II. Any person accused of the offence of belonging to any such gang as aforesaid, or of the offence of unlawfully and knowingly receiving or buying property stolen or plundered by any such gang, may be committed by any Magistrate within the Territories of the East India Company, and

and may be tried by any Court which would have been competent to try him if his offence had been committed within the Zillah where that Court sits.

III. ' No Court shall on the trial of any offence under this Act require any Futwa from any Law Officer.

Calcutt, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XII. OF 1848.

Passed by the Governor General of India in Council on the 27th of May 1848.

An Act for better defining the jurisdiction of the Calcutta Court of Commissioners for the Recovery of Small Debts.

WHEREAS the jurisdiction of the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal, hath been exercised under colour of a Proclamation made by the Vice President of the Presidency of Fort William in Bengal, in Council, with the approval of the Governor General of the said Presidency, bearing date the 18th day of March 1802, and of another Proclamation made bythe Governor General of the said Presidency in Council, bearing date the 25th day of September 1813, and of another Proclamation made by the Governor General of the said Presidency in Council, bearing date the 29th day of October 1819: And whereas doubts have arisen as to the legality of the said last two Proclamations, and of all that has been done or may hereafter be done in pursuance thereof: And whereas doubts have also arisen whether the powers given to the Commissioners of the said Court by the first of the said Proclamations are by the terms of the said third Proclamation effectually extended to the matters over which jurisdiction is thereby declared to be given to the said Court of Commissioners,

Commissioners, and it is expedient to remove such doubts: And whereas the Rules, Orders and Regulations for the direction of the process and practice of the said Court which have been established in and by the said Court have not been allowed, printed or published as directed by the said first Proclamation, and it is expedient to ratify and confirm the same notwithstanding such omission: And whereas the said Commissioners have been accustomed to sit separately and to form separate Courts sitting at the same time or at different times, and it is also expedient to establish as well prospectively as retrospectively the legality of that practice,—It is enacted as follows:

I. All proceedings heretofore had or hereafter to be had in pursuance of and in conformity with the said Proclamations, or any of them by the said Commissioners, or any person or persons acting under their authority shall be deemed to have been, and to be, valid in law to all intents and purposes whatever, and against all persons and bodies corporate whomsoever.

II. All the powers and authorities declared to be given to the said Commissioners by the said first Proclamation shall extend to and be exercised in respect of and shall be deemed to have heretofore extended to all matters which in and by the several Proclamations, or any of them, the said Commissioners were authorized to hear and determine.

III. All proceedings heretofore had by any Commissioner or Commissioners of the said Court whilst sitting apart from the others or other of them, or by any person or persons under his or their authority, shall be deemed to have been as valid in law to all intents and against all persons and bodies corporate whomsoever, as if all the said Commissioners had been sitting together in the said Court of Requests, and such Commissioners

missioners may henceforth sit either altogether or apart, and may hold one Court or two or three separate Courts sitting at the same time or at different times in like manner as they have been heretofore accustomed to do.

IV. All rules, orders, forms of procedure and tables of fees now used or established in the said Court shall be deemed to be and to have been from the time of their being first used or established respectively, valid in law to all intents, notwithstanding the omission to procure the allowance by the Supreme Court of Judicature of such of the same as should have been so allowed, and notwithstanding the non-printing and non-publication of such of the same as should have been printed and published.

V. All summonses and other process issued by the said Commissioners, or any of them, whether issued before or after the passing of this Act, shall be deemed to be valid and effectual in the law on whatsoever day the same shall have been made returnable.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XIII. OF 1848.

Passed by the Governor General of India in Council on the 10th of June 1848.

For limiting the time within which a Suit may be brought to contest the awards of the Revenue Authorities in the Presidency of Bengal.

FOR the greater security of possessory titles in the Presidency of Bengal derived from awards made by the Revenue Authorities under Regulation VII. of 1822, Regulation IX. of 1825, and Regulation IX. of 1833, of the Bengal Code, It is enacted as follows:

I. No suit shall be entertained in any Court for contesting the justice of any award made before the passing of this Act by the Revenue Authorities under any of the recited Regulations after the expiration of twelve years from the date of the final award.

II. After the expiration of three years from the passing of this Act, no such suit shall be entertained for contesting the justice of any such award made before the passing of this Act.

III. No such suit shall be entertained for contesting the justice of any such award made after the passing of this Act, after the expiration of three years from the date of the final award.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XIV. OF 1848.

Passed by the Governor General of India in Council on the 17th of June, 1848.

To enable the Supreme Court of Calcutta to issue Commissions for taking Affidavits.

WHEREAS doubts are entertained whether the Supreme Court of Judicature at Fort William in Bengal has power on the Crown and Plea side of the Court under the Charter of that Court to grant a Standing Commission to take Affidavits, or solemn affirmations, and it is expedient that such power be had and exercised as occasion requires, It is enacted as follows:

I. After the passing of this Act, the said Court shall have power to issue a Commission or Commissions from time to time under the Seal of the said Court, to such person or persons as the said Court shall think fit to name therein empowering him, or them, or any one, or more of them, to take Affidavits and solemn affirmations in any cause, or other proceeding in the said Court now, or hereafter to be depending, or with the intent to institute any proceeding whatever in the said Court.

II. Every

II. Every Affidavit or solemn affirmation so taken shall be deemed to be taken in the said Court, and shall render the person or persons taking the same liable to payment of the same fees (if any) to be received and accounted for in the same manner as in the case of an Affidavit or solemn affirmation made and taken in Court.

III. Every person so making any Affidavit or solemn affirmation, knowing the same or any part thereof to be untrue, shall be liable to the same penalties in all respects as if such Affidavit or solemn affirmation had been made and taken in open Court.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XV. OF 1848.

Passed by the Governor General of India in Council on the 17th June 1848.

An Act to forbid trading by the Officers of the Supreme Courts.

FOR the better discharge of their duties by the Officers of the undermentioned Courts of Justice, It is enacted as follows:

I. No Officer of any of the Courts of Judicature established by Royal Charter, within the Territories subject to the Government of the East India Company, or of any Court established for the Relief of Insolvent Debtors within the said Territories, shall directly or indirectly by himself, or by any other person or persons on his behalf, accept from any person or persons any gift or reward for any act or behaviour in his Office other than his legal salary and fees and profits of office, or hold any office in any Bank or Public Company, except as hereinafter excepted, or carry on or be concerned in any dealings as a banker or trader or as agent, factor, or broker either for his own advantage, or for the advantage of any other person or persons except such dealings as it may be part of the duty of any such Officer by virtue of his office to carry on.

II. This

II. This Act shall not be construed to forbid any Officer of any of the said Courts, who is also a practising Advocate, Attorney, Solicitor or Proctor in any of the said Courts, from taking the usual fees and emoluments of Advocates, Attorneys, Solicitors or Proctors, nor to apply to any Advocate, Attorney, Solicitor, Proctor, Sheriff, Assignee, Receiver or Committee, so far as he is held to be in that capacity merely for some purposes an Officer of any of the said Courts.

III. This Act shall not be construed to forbid any Officer of any of the said Courts from holding any unpaid office in any Society for Charitable purposes, or for the advancement of knowledge, or for the encouragement of Science, Art, or Manufactures.

IV. Every Officer of any of the said Courts who shall knowingly offend against this Act shall, on conviction thereof, be liable to be punished by deprivation of his office, and also, by the sentence of the Court before which he shall be convicted may be declared incapable, and in that case shall become incapable of being appointed to the same or any other office of the same Court, or to serve Her Majesty or the East India Company in the Territories under the Government of the East India Company, or in such part of the said Territories as shall be specified in the sentence or in the discretion of the Court may be otherwise punished by fine or fine and imprisonment for his misdemeanour as to the Court shall seem fit, regard being had to the nature of his offence.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XVI. OF 1848.

Passed by the Governor General of India in Council on the 1st of July, 1848.

An Act to remove certain restrictions on the Salt Trade.

WHEREAS the Salt Trade in the North Western Provinces is burdened with unnecessary restrictions, It is enacted as follows:

I. Sections 49, 50, 85 and 93, of Regulation X. of 1819, of the Bengal Code, and so much of Section 48, of the same Regulation, as affects the importation of Salt from the North Western Provinces into the other Provinces of the Presidency of Bengal, also Section 2 of Regulation X. of 1826, of the same Code, shall be repealed from the First day of August in this year.

II. After the said First day of August, no Customs Duty shall be leviable upon Salt imported into the said North Western Provinces from the other Provinces of the said Presidency.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XVII. OF 1848.

Passed by the Governor General of India in Council on the 26th August 1848.

An Act for substituting Stamp Duties instead of Institution Fees in the Courts of the District Moonsiffs in the Presidency of Madras; and for refunding Stamp Duties on Plaints in certain cases.

WHEREAS it is expedient to substitute Stamp Duties for Institution Fees in the Courts of the District Moonsiffs in the Presidency of Madras, and to authorize the return of the whole or part of the Stamp Duties paid on Plaints in all civil actions which are dismissed on application of the parties, It is enacted as follows:

I. Section XVI. and Clause 2, Section LVII. Regulation VI. 1816, and Sections IV. and V. Regulation II. 1834, of the Madras Code, shall be repealed from the First day of September in this year.

II. From and after the said First day of September, so much of Regulation XIII. 1816, and Section VII. Regulation VII. 1818, of the Madras Code, as relates to the levying of Stamp Duties instead of Fees on the institution of Civil actions, shall be applicable to the Courts of District Moonsiffs in the Presidency of Madras.

III. Whenever

III. Whenever a suit pending in any Civil Court within the Territories subject to the Presidency of Madras shall be dismissed on application of the parties, the plaintiff shall be entitled to claim from the Court a certificate, stating the amount of Stamp Duty paid on the Plaint, with specification of the number and endorsement of the paper filed, and whether the suit was dismissed before or after the completion of the pleadings.

IV. On presenting any such Certificate to the Collector of the District within three calendar months after the dismissal of the suit, the plaintiff shall be entitled to receive back half of the said Stamp Duty, if the certificate purports that the suit was dismissed after the completion of the pleadings; and if before, the whole of the said Stamp Duty; Provided always there be no exception taken to the paper or endorsement thereon.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT NO. XVIII. OF 1848.

Passed by the Governor General of India in Council on the 26th August 1848.

An Act for the Administration of the Estate of the late Nuwab of Surat, and to continue privileges to his family.

WHEREAS it is expedient to provide for the administration of the Estate of the late Nuwab of Surat, Meer Ufzoolooddeen Khan, Kumrood Dowleh, Ushmut Jung, Bahadoor; and whereas the exemption from the jurisdiction of the Civil and Criminal Courts enjoyed by the said late Nuwab and his relations and servants, by virtue of the Treaty concluded between the East India Company and the said late Nuwab on the 13th May 1800, recognized and confirmed by Clause 2, Section XXI. Regulation II. 1827, and Clause 2, Section I. Regulation XI. 1827, of the Bombay Code, ceased at the death of the said late Nuwab, and it is deemed expedient that some of the said persons should continue to be privileged, It is enacted as follows:

I. No writ or process shall be sued forth or prosecuted against the person, goods or property of the several persons named in the Schedule annexed to this Act, being the widows and family of the said late Nuwab, or of any of them, unless with the consent of the Governor of Bombay in Council first obtained; such consent to be signified by the signature

of

of one of the Secretaries to Government: and any writ or process sued forth or prosecuted against the person, goods or property of the said several persons, or any of them, without such consent as aforesaid, shall be utterly null and void.

II. The Governor of Bombay in Council is empowered to act in the administration of the property of whatever nature, left by the late Nuwab of Surat, in regard to the settlement and payment of the debts and claims standing against the Estate of the said late Nuwab at the time of his death, and to make distribution of the remaining property among his family; and no act of the said Governor of Bombay in Council, in respect to the administration to and distribution of such property, from the date of the death of the said late Nuwab, shall be liable to be questioned in any Court of Law or Equity.

III. The limitation of time for bringing suits in the Civil Courts, provided in Regulation V. 1827 of the Bombay Code, shall be held, in respect to all persons within the provisions of Clause 2, Section XXI. of the said Regulation II. 1827, to begin, as to all causes of action arising before the passing of this Act, from the day of the passing of this Act: subject to this provision, that no suit by or against any of the said persons shall be entertained in any Civil Court, on account of any cause of action which arose at a time preceding the death of the said late Nuwab by more than the number of years or months severally limited, with reference to such cause of action, by the said Regulation V. 1827, as the period within which the suit must be filed after such cause of action arose, or came to the knowledge of the plaintiff, as the case may be.

IV. Deeds registered under the provisions of any Act passed by the Governor General of India in Council shall not, on the sole ground of priority of registration, invalidate Deeds which may be duly registered within six months from the day of the passing of this Act, by any persons within the provisions of the said Clause 2, Section XXI. Regution II. 1827; provided that such last mentioned Deed relates to property conveyed to the owner before the day of the passing of this Act.

SCHEDULE.

ACT No. XVIII. OF 1848.

SCHEDULE.

1	Badsah Begum, ...	Widow	Of the late Nuwab.
2	Ameeerool Nissa Begum, ...	Widow	
3	Meer Juffer Ali, ...	Son-in-law	
4	Zeeaool Nissa Begum, ...	Granddaughter	
5	Ruheemool Nissa Begum, ...	Granddaughter	
6	Meer Moeenoodeen Khan, ..	Buckshee.	
7	Meer Kumroodeen Unlud Shumsooddeen.		

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XIX. OF 1848.

Passed by the Governor General of India in Council on the 2d September 1848.

For better defining the Law as to revision of the sentences of Subordinate Criminal Courts in the Presidencies of Bengal and Madras.

WHEREAS it has been doubted how far Section V. Regulation IX. 1831 of the Bengal Code is repealed by Act XXXI. 1841, and what power the Foujdaree Adawlut at Madras has under Section XXXV. Act VII. 1843, It is enacted as follows :

I. So much of Section V. Regulation IX. 1831, of the Bengal Code, as is now in force, and also Section XXXV. Act VII. 1843, are repealed.

II. The Nizamut Adawlut in the Presidency of Bengal and Foujdaree Adawlut in the Presidency of Madras, in any case in which it shall appear to either of them upon a review of the Abstract Statements or Calendars of prisoners punished without reference, that the sentence passed is one which cannot lawfully be passed on a person convicted of the

the offence as stated in the Abstract Statement or Calendar, shall annul the sentence, and shall certify to the subordinate Court the sentence or sentences which may lawfully be passed for such offence, and thereupon the subordinate Court shall pass a new sentence according to Law, and shall amend the record in accordance therewith.

III. The said Nizamut Adawlut or Foujdaree Adawlut, in any case in which it shall appear to either of them, upon a review of the Abstract Statements or Calendars of prisoners punished without reference that the verdict or judgment pronounced on any prisoner was not warranted by the evidence, or that his sentence was too severe, may, if it thinks fit, require the Judge of the Court in which the conviction was had to certify under his hand all the evidence taken in the case affecting such prisoners, with any observations which the Judge may be desirous of making in explanation of the verdict, judgment or sentence; and thereupon the Nizamut Adawlut or Foujdaree Adawlut, as the case may be, may annul such verdict, judgment and sentence, if the verdict or judgment shall appear to it not warranted by the evidence, or mitigate the sentence, if it shall appear too severe, and in either case shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of the Nizamut Adawlut, or Foujdaree Adawlut, and, if necessary, amend the record in accordance therewith.

IV. Instead of proceeding under this Act, the said Nizamut Adawlut or Foujdaree Adawlut may, whenever it thinks fit call for the whole record of any criminal trial in any subordinate Court, and pass thereon such orders as it thinks fit, but not so as to enhance the punishment awarded, or punish any person acquitted in the subordinate Court.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT NO. XX. OF 1848.

Passed by the Governor General of India in Council on the 23d September 1848.

An Act for better enforcing the attendance of Proprietors and Farmers of Land before Collectors of Land Revenue in the Lower Provinces of the Bengal Presidency.

WHEREAS, by sundry Regulations of the Bengal Code, provision is made for the imposition of a daily fine, by the Board of Revenue or other authority exercising the powers of that Board, on any proprietor or farmer of land subject to the provisions contained in the said several Regulations, who, when duly summoned by the Collector or other Officer exercising the powers of Collector, shall omit or refuse to attend, or to cause his Officer or Agent to attend, or to furnish the accounts or documents required, and shall not shew sufficient cause for such omission; and it is further provided that the fine, when confirmed by Government, is to be levied by the same process as is prescribed for the recovery of arrears of revenue; and whereas in many cases, by the delay thus occasioned, the whole burden of the penalty is greatly increased beyond

beyond what would be necessary, if summary power were given to the Officer by whom the requisition is made, to impose and levy reasonable fines, subject to review by the Commissioner of Revenue and other superior authority, It is enacted as follows:

I. If any proprietor or farmer of land shall omit or refuse to attend, or to cause his Officer or Agent to attend, when duly summoned by the Collector, in any case specified in any of the said Regulations, by the time prescribed in the notice issued by the Collector, or shall omit or refuse to furnish the accounts or documents required, and shall not shew sufficient cause for such omission, the Collector may impose of his own authority such daily fine, to be payable daily until compliance with the requisition, as he may think adequate to the situation and circumstances in life of the defaulter, not exceeding in any case the daily fine of fifty Rupees: and the amount of such fine, accruing due from time to time, may be levied without further confirmation, by the same process as is prescribed for the recovery of arrears of revenue.

II. The Collector shall forthwith report the imposition of every such fine, and the amount thereof, and also from time to time the amount levied, to the Commissioner of Revenue, who shall report the same for the information of the local Government.

III. Every order passed by a Collector under this Act shall be appealable in the usual manner to the Commissioner of Revenue, and other superior authority; but no such appeal shall avail to prevent the levy of any fine so imposed pending the appeal.

IV. Whenever the amount levied under any such order, issued for any default by authority of a Collector under this Act, shall have exceeded five hundred Rupees, the Collector shall report the case specially to the Commissioner

Commissioner of Revenue; and no further levy for such default shall be made otherwise than by authority of the Commissioner of Revenue.

V. Nothing in this Act contained shall be deemed to repeal the power of imposing daily fines and of levying the fines so imposed in the manner prescribed by the said several Regulations.

VI. The word "Collector" used in this Act shall be taken to mean any person lawfully exercising the powers of a Collector.

VII. This Act shall not extend to the North West Provinces of the Presidency of Bengal.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XXI. OF 1848.

Passed by the Governor General of India in Council on the 10th October, 1848.

An Act for avoiding Wagers.

WHEREAS it is expedient to discourage gaming and wagering for money, It is enacted as follows:

I. All agreements, whether made in speaking, writing or otherwise, by way of gaming or wagering, shall be null and void: and no suit shall be allowed in any Court of Law or Equity for recovering any sum of money or valuable thing alleged to be won on any wager, or entrusted to any person to abide the event of any game, or on which any wager is made.

II. The several Courts of Justice established by Royal Charter, instead of directing an issue to be tried on a feigned wager for ascertaining any disputed fact, in the exercise as well of the Equity or Admiralty or any other Jurisdiction as of the common Law Jurisdiction of the Court may

may issue summonses to witnesses, and cause them to be examined orally in open Court as witnesses in the cause; and the witnesses so summoned shall be bound to attend and give their evidence in the same manner, and under the like penalties for neglect or disobedience, or for giving false evidence, as any witness duly summoned to give evidence according to the practice of the Court before the passing of this Act.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XXII. OF 1848.

Passed by the Governor General of India in Council on the 10th of October, 1848.

An Act to simplify Indictments for Forgery.

FOR better avoiding the failure of justice in Criminal proceedings for Forgery, It is enacted as follows:

I. In any information or Indictment laid or brought in the Courts established by Royal Charter, for forging, or in any manner uttering any forged instrument or writing, it shall not be needed to set forth any exact copy thereof; but it shall be enough to describe such forged instrument or writing, in such manner as would sustain an indictment for stealing it.

Calcutta, 1848:—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XXIII. OF 1848.

Passed by the Governor General of India in Council on the 10th of October, 1848.

An Act to amend a Clerical Error in Act No. XXV. of 1840.

FOR remedy of a Clerical Error in Act No. XXV. of 1840, It is enacted as follows:

I. Any person guilty of the offence punishable under Section VII. of Act XXV. of 1840, shall be liable to the punishment therein provided for such offence, on conviction thereof before any Magistrate.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XXIV. OF 1848.

Passed by the Governor General of India in Council on the 10th October, 1848.

An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

WHEREAS it is expedient that the Governor General should visit the North Western Provinces and other parts of India unaccompanied by any Member of the Council of India, it is enacted as follows:

I. During the absence of the Governor General from the Council of India, it shall be lawful for the Governor General alone to exercise all the powers which may be exercised by the Governor General in Council except such powers as may by a Resolution of the Governor General in Council be exercised by the President in Council during the absence of the Governor General, and except the power of making Laws and Regulations.

II. This Act shall commence from the day on which it shall be notified by an Order published in the Official Gazette, that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XXV. OF 1848.

Passed by the Hon'ble the President of the Council of India in Council on the 25th November, 1848.

An Act for Restoration of the Jagheer of Bunganapilly.

WHEREAS by Act X. 1843, the administration of justice and collection of the revenue in the districts of Kurnool and Bunganapilly were vested in an Agent appointed by the Governor of Fort St. George in Council; and it is now deemed expedient to restore the Jagheer of Bunganapilly, to be holden by the Jagheerdar, subject to the same conditions and reservations as heretofore, it is enacted as follows:

I. On the First day of January 1849, the authority of the Agent of the Governor of Fort St. George, appointed under Act X. 1843, shall cease as to the district of Bunganapilly; and no Agent shall thereafter be appointed for Bunganapilly under that Act.

II. All lawful proceedings of the said Agent and his Assistants before the said First day of January shall stand good.

III. The Foujdaree Adawlut and Sudder Adawlut shall continue to have and exercise the same jurisdiction respectively as to criminal trials

trials referred by the Agent before the said First day of January, and as to appeals from any decree made by the Agent before the said First day of January, as if his authority had not ceased in the said district; and their judgments and orders shall be executed in the same manner.

IV. When the Agent shall have duly accounted to the Governor of Fort St. George in Council, for all monies received and paid by him in his administration of the revenues of the said Jagheer, and shall have received, by order of the said Governor in Council a discharge in full of all claims against him for such administration, neither he nor any of his Assistants shall be liable to give any further account, or to be questioned for the same or any part thereof in any Court of Justice.

V. Nothing in this Act contained shall be deemed to waive or abate any part of the paramount authority and controul of the East India Company over the said district, or of the Sovereign authority of the British Government.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXVI. OF 1848.

Passed by the Hon'ble the President of the Council of India in Council on the 30th December, 1848.

An Act to extend to the Straits the Act for regulating Coroner's Juries.

WHEREAS it is expedient to extend the operation of Act No. IV. 1848, It is enacted as follows :

I. From the First day of March 1849, Act No. IV. 1848 shall apply to the Settlements of Prince of Wales' Island, Singapore and Malacca, and to all inquests held there by any Coroner, or Deputy Coroner; and the word Presidency as used in the said Act shall be taken to mean also the Government of the said Settlements.

Calcutta, 1849 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXVII. OF 1848.

Passed by the Hon'ble the President of the Council of India in Council on the 30th December, 1848.

An Act to Amend the Act XII. of 1844.

WHEREAS it is deemed expedient that the Act No. XII. of 1844, entitled "An Act for better securing the observance of an Exact Discipline in the Indian Navy," should be amended as hereinafter is mentioned, And whereas the Court of Directors of the East India Company have given their previous sanction to the several enactments hereinafter contained, It is enacted as follows:

I. From and after the First day of February 1849 the Articles and Orders hereinafter following, as well in time of Peace as in time of War, shall be observed and put in execution in manner hereinafter mentioned in addition to the thirty-five Articles and Orders contained in the said Act, that is to say:

36th. Every person belonging to the Indian Navy who shall be guilty of Manslaughter, or any other offence against the person, or of any offence against the property, of any subject of Her Majesty, or any other person entitled to Her Majesty's protection, or to the protection of the respective Governments of the East India Company, or any other person whomsoever,

whomsoever, not being an Enemy of Her Majesty or of the East India Company, (and the punishment of which offence is not provided for by the said Act,) shall be liable to Transportation for life, or for a term of years, or to such other punishment according to the nature and degree of the offence as a Court Martial shall award.

37th. All Insubordination, Disorders, Irregularities, and Neglects which any person belonging to the Indian Navy may be guilty of, to the prejudice of good order or of discipline in the Naval Service of the East India Company, and all disgraceful conduct of a cruel or dishonest or indecent or malicious or mischievous character, though not particularly specified in the said Act, or in this Act, shall be liable to such punishment, having regard to the nature and degree of the offence, as a Court Martial shall adjudge.

38th. Where any person belonging to the Indian Navy (not being of the Rank of an Officer,) shall be guilty of any offence, which the Officer in Command of the Ship or Vessel shall deem necessary to be punished without trial by Court Martial, the offence shall be investigated by such Commanding Officer; and the offender shall be liable to such punishment, (not extending to life or limb, or to transportation, or imprisonment exceeding six days, or to any corporal punishment exceeding twelve lashes), as such Officer shall by his Warrant adjudge.

II. In the several cases in which a Court Martial is by the said Act authorized to award the punishment of death and also in grave cases of embezzlement against the 8th and 24th Articles of the said Act, and also in the case of grave offences against the 20th and 21st of the said Articles a Court Martial may, if it shall adjudge the same to be proper, award sentence of transportation for life or for a term of years.

III. In

III. In all cases where a capital punishment shall have been awarded by a Court Martial, it shall be lawful for the Governor General in Council, (if he shall think the circumstances of the case make it proper so to do), to order the offender to be transported for life, or for a certain term of years.

IV. In cases where any sentence of transportation shall be passed under the provisions of the said Act, or of this Act, or any sentence of death be commuted to transportation, the offender shall be conveyed to or left at some one of the Presidencies of India, and shall be liable to be dealt with, as in the case of other offenders sentenced to transportation, and shall be subject to all such orders for carrying the sentence into execution as shall in that behalf be given by the Governor General in Council, or if the offender shall be at the Presidency of Fort St. George or the Presidency of Bombay, then by the Governor in Council of such Presidency; subject, however, in the last mentioned case, to any orders made by the Governor General in Council, in case any such orders shall have been so made.

V. The Governor General of India in Council, and the Governors in Council of Madras and Bombay respectively, shall have full power and authority from time to time, as there shall be occasion, to direct any superior Officer, Captain, or Commander of the Indian Navy, who shall be in any Port of the East Indies, to hold Courts Martial in any such Port as shall be found most expedient and for the good of the East India Company's Service; and such superior Officer, Captain, or Commander shall preside at such Court Martial.

VI. And for removing the doubts which have been entertained as to the effect and intention of the 9th Section of the said Act No. XII. of 1844, in relation to the Officers of whom Courts Martial, to be held or appointed

appointed under that Act, shall be composed, it is declared and enacted, that any Officers of the Indian Navy, ordered by Government or the Superintendent of the Indian Navy to be present at any Court Martial, for the purpose of serving thereat if required, shall be eligible to act on any Court Martial, although such Officers may not be commissioned to any Ship or Vessel.

VII. If on any occasion there shall not be present a sufficient number of Superior Officers, Captains, Commanders, and Lieutenants of the Indian Navy to form a Court Martial, for the purposes of the said Act or of this Act, the required number of Officers may, with the sanction of the Government, or Officer by whose authority the Court Martial shall have been convened, be made up or completed by any Officer or Officers in the Military Service of the East India Company then being Commissioned and in Pay, and of the Rank either of Major or Captain, who may be present, and may be ordered, or be ready, to afford his or their services on such Court Martial; and, for default of such or of a sufficient number of such, then the deficiency may be supplied by any Officer or Officers of Her Majesty's Naval Service of sufficient Rank, according to the said Act, who may be present, and may be ready to afford his or their services on such Court Martial; and the proceedings of a Court Martial so constituted shall be valid and effectual.

VIII. The Clauses and Provisions of the said Act No. XII. of 1844, for regulating the places to which and persons to whom the same is to extend, and also the other Clauses and Provisions thereof shall apply to this Act, and the two Acts shall be construed together as one Act, and the same effect shall be given thereto, and to the several Articles and Provisions thereof respectively as if the Articles and Provisions contained in this Act had been originally contained in the said Act No. XII. of 1844, and had formed part of the Articles and Provisions of that Act.

Calcutta, 1849 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. I. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council on the 27th January, 1849.

An Act to provide more effectually for the punishment of offences committed in Foreign States.

WHEREAS divers Regulations of the Bengal, Madras and Bombay Codes have been made, from time to time, for the trial of Native Subjects of the British Government, committing criminal offences beyond the limits of the British Provinces, and it is expedient to make the same more effectual and uniform, and to extend the application thereof, It is enacted as follows:

I. The undermentioned Regulations and parts of Regulations are rescinded, that is to say;

Regulation V. of 1809, Regulation VIII. of 1813, Section VI. of Regulation I. and the whole of Regulation IX. of 1822, and Regulation VIII. of 1829, of the Bengal Code; Regulation II. of 1829, and Regulation XII. of 1832, of the Madras Code; Section IV. of Regulation XI. of 1827, of the Bombay Code; except so far as any of them rescinds any former Regulation.

II. All

appointed under that Act, shall be composed, it is declared and enacted, that any Officers of the Indian Navy, ordered by Government or the Superintendent of the Indian Navy to be present at any Court Martial, for the purpose of serving thereat if required, shall be eligible to act on any Court Martial, although such Officers may not be commissioned to any Ship or Vessel.

VII. If on any occasion there shall not be present a sufficient number of Superior Officers, Captains, Commanders, and Lieutenants of the Indian Navy to form a Court Martial, for the purposes of the said Act or of this Act, the required number of Officers may, with the sanction of the Government, or Officer by whose authority the Court Martial shall have been convened, be made up or completed by any Officer or Officers in the Military Service of the East India Company then being Commissioned and in Pay, and of the Rank either of Major or Captain, who may be present, and may be ordered, or be ready, to afford his or their services on such Court Martial; and, for default of such or of a sufficient number of such, then the deficiency may be supplied by any Officer or Officers of Her Majesty's Naval Service of sufficient Rank, according to the said Act, who may be present, and may be ready to afford his or their services on such Court Martial; and the proceedings of a Court Martial so constituted shall be valid and effectual.

VIII. The Clauses and Provisions of the said Act No. XII. of 1844, for regulating the places to which and persons to whom the same is to extend, and also the other Clauses and Provisions thereof shall apply to this Act, and the two Acts shall be construed together as one Act, and the same effect shall be given thereto, and to the several Articles and Provisions thereof respectively as if the Articles and Provisions contained in this Act had been originally contained in the said Act No. XII. of 1844, and had formed part of the Articles and Provisions of that Act.

Calcutta, 1849 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

INDEX

TO THE

ACTS OF THE GOVERNMENT OF INDIA,

For 1849.

A.	*Act.*	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
Abkaree—Collection of Revenue from the retail sale of Spirituous or Fermented Liquors or intoxicating Drugs to be under the Collector of Calcutta, subject to the control of the Commissioner of Abkaree and the Board of Customs, Salt and Opium.	XI.	II.	.....	Calcutta.
„ Collector may appoint Officers for the Collection of the Revenue and prevention of Smuggling.	„	III.		
„ Penalty for selling by retail any Spirituous or Fermented Liquors, &c., without a License.	„	IV.		
„ Sale of what quantity of English or Foreign Beer, Wines, or Spirits, or Bengal Spirituous or Fermented Liquors or intoxicating Drugs shall be deemed a retail sale.	„	V.		
„ Sale of quantities larger than those specified above prohibited. Penalty for breach of this prohibition. Importation of Spirituous or Fermented Liquors and intoxicating Drugs under passes from the Collector for wholesale to retail dealers or for exportation not prohibited.	„	VI.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
Abkaree—Board of Customs, Salt & Opium shall regulate the form of Licenses. ...	XI.	VII.		
„ Persons taking out a License shall execute a counterpart of the same. ...	„	VIII.		
„ Persons taking out a License shall pay the duty fixed with the Board's sanction.	„	IX.		
„ Collector may recall a License for default or any other cause.....	„	X.		
„ License-holders may surrender their License on payment of an additional tax for 15 days.	„	XI.		
„ Justices of the Peace shall not grant Licenses to persons not holding Licenses for the retail of Liquors or Drugs to open Hotels, Punch Houses, Boarding Houses, &c., where Spirits may be sold.....	„	XII.		
„ Payment of arrears of duty on account of License how to be enforced.	„	XIII.		
„ Penalty for breach of conditions of a License.	„	XIV.		
„ Penalty for persons not holding Licenses having in possession or carrying within Calcutta, without a pass, Spirituous Liquors in quantities specified in Section V.	„	XV.		
„ Such Spirituous Liquors, &c., will besides be seized and confiscated with vessels, packages and conveyances. ...	„	XVI.		
„ Officers may enter and inspect places where Spirituous Liquors, &c., are sold.	„	XVII.		
„ Licenses to be shewn on the demand of any Abkaree Officer, and in default what shall be the penalty.	„	XVIII.		
„ Officers may detain persons carrying Spirituous Liquors, &c., without a pass, and may seize the same.	„	XIX.		
„ What steps to be taken on information being received by the Collector of the concealment of illicit Spirituous Liquors, &c.....	„	XX.		
„ Penalty for Peace Officers, refusing to help the Abkaree Officers in the execution of this Act.	„	XXI.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
Abkaree—Proceedings to be adopted by the Abkaree Officers and the Collector on the arrest of persons and seizure of illicit articles.	XI.	XXII.		
,, Penalty for persons giving false information of illegal sale or deposit of Spirituous Liquors, &c., ...	,,	XXIII.		
,, Penalt for resistance of proceedings, and for breach of the peace arisingtherefrom.	,,	XXIV.		
,, Officers delaying to produce before the Collector persons arrested, or illicit articles, or neglecting to report an arrest, seizure or search, shall be liable to what punishment.	,,	XXV.		
,, Penalty for Officers vexatiously seizing Goods or arresting persons.	,,	XXVI.		
,, Penalty for Officers conniving at the escape of persons arrested, or at the illegal sale of Spirituous Liquors, &c.	,,	XXVII.		
,, Officers taking unauthorized gratuities for doing or omitting to do any official acts, and persons offering bribes to such Officers shall be liable to what penalty.	,,	XXVIII.		
,, Judicial procedure for determining cases concerning seizure of confiscated Goods or Chattels, and the sale thereof.....	,,	XXIX.		
,, Ditto for declaring Goods liable to forfeiture, and their final disposal, when no claimant appears within one month after notice.	,,	XXX.		
,, All fines, except those under Section XXXVIII., to be adjudged by a Justice of the Peace for Calcutta. Offenders in default of payment shall be liable to imprisonment not exceeding six months. Time for taking proceedings under this Section limited.....	,,	XXXI.		
,, Repetition of offences by the same offender how to be punished.....	,,	XXXII.		
,, Informers how to be rewarded out of the fines levied and proceeds of articles confiscated, and when there is no fine realized.....	,,	XXXIII.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
Abkaree—Fines, the disposal of which is not provided for, shall belong to Government, but the Board may grant any portion thereof to Informers, or to injured parties.....	XI.	XXXIV.		
„ Information or Judicial Proceedings before any Justice of the Peace not to be affected by a Writ of *Certiorari*, except in case of an erroneous judgment.....	„	XXXV.		
„ The Abkaree Commissioner or the Board may call for the proceedings of the Justice of the Peace, and may restore confiscated property and remit any penalty.	„	XXXVI.		
„ Limitation of period for the commencement of any action or prosecution against the Collector or any Abkaree Officer, and notice thereof to be given one month before the commencement of the action. Tender of sufficient amends before or of money after the action shall bar the plaintiff from recovering damages.	„	XXXVII.		
„ Penalty for contempt in the Collector's Cutcherry: appeal to lie to the Commissioner of Abkaree, and in his absence to the Board of Customs, Salt and Opium, whose decision shall be final.	„	XXXVIII.		
Act XXXI. of 1845, repealed, ...	VI.	I.		
„ XXI. of 1839 and „ III. of 1842, extended to the Town of Madras. ..... (See Magistrates.)	VIII.			
„ IV. of 1835, „ I. of 1837, and „ XXXII. of 1838, extended to the Presidency of Madras. ..... (See Justices of the Peace.)	IX.			
„ I. of 1842 and „ XXVI. of 1845, repealed. ..... (See Abkaree.)	XI.	I.		
Acts of Parliament—(See Statutes.)				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
Administrator General may apply for and obtain, instead of the Ecclesiastical Registrar, Letters of Administration of Estates of British Subjects dying intestate within the Bengal Presidency or its subordinate Territories, if no next of kin establish their claim to the Administration of the Estate, or the Executors of Estates refuse to prove the Will.	VII.	I.	.....	Bengal.
„ Estates, Effects and Interests vested in the Ecclesiastical Registrar of the Supreme Court, and all Books and Papers under his control appertaining thereto, transferred to the—with all powers as the Registrar might exercise.	„	II.		
„ The Ecclesiastical Registrar shall be the first—and shall cease to be Ecclesiastical Registrar, and the Administrator General shall receive the Commissions to which he was entitled as Registrar.	„	III.		
„ On future vacancies the—shall be appointed by the Governor General in Council.	„	IV.		
„ Shall not hereafter be deemed an Officer of the Supreme Court, and not otherwise accountable to it than any ordinary Executor or Administrator....	„	V.		
„ What security to be given by the— ...	„	VI.		
„ Rate of Commission to which he shall hereafter be entitled for the discharge of his duties.	„	VII.		
„ No person other than the—shall be entitled to any Commission as Executor of any Will, but an Executor may have the benefit of any legacy left to him.	„	VIII.		
„ Assets where to be kept and how invested.	„	IX.		
„ Accounts of Estates how to be kept and receipts and payments how entered. Books shall be open for public inspection on payment of a fee.....	„	X.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
Administrator General—Schedules of Estates to be filed in the Supreme Court twice a year, and published in the Calcutta Gazette. Copies to be delivered to the Secretary of the Presidency and sent to the Court of Directors for publication.	VII.	XI.		
„ Governor General in Council shall appoint Auditors to examine the accounts of the—	„	XII.		
„ The Auditors shall vouch for and report to Government the correctness of the Accounts.....	„	XIII.		
„ Auditors may summon the—and others and call for Books and Papers, and what course shall be taken by them in case of default.	„	XIV.		
„ Costs of the preparation and publication of the Schedules how to be adjusted....	„	XV.		
„ Auditors shall report to the Governor General in Council the substance of any objections they may take to the correctness of the Schedules.	„	XVI.		
„ Governor General in Council shall refer such report to the Advocate General that he may proceed summarily by petition for an account against the.—The Court shall examine parties or refer the accounts to be taken in the ordinary way.	„	XVII.		
„ Costs of reference and examination how to be defrayed.....	„	XVIII.		
„ Power of Court to make orders upon such petitions and effect of such orders.	„	XIX.		
„ May grant certificates entitling claimants to a principal share of the Effects of British Subjects dying intestate to receive sums if they do not exceed 500 Rupees, and no Letters of Administration be taken out for three months. ...	„	XX.		
„ Shall not be bound to grant such certificate unless satisfied of the title of the claimant and the value of the Effects.....	„	XXI.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
Administrator General—Receipt from the person getting the Certificate of money or security belonging to such Estates, shall be a discharge with respect to the claim of any other person upon the person paying the same. Any next of kin, or representative, or creditor of the deceased, shall have remedy for recovery against the person receiving the money.	VII.	XXII.		
„ May take out Letters of Administration if he discovers any fraud or misrepresentation, or that the value of the Estate exceeds 500 Rupees.	„	XXIII.		
„ May charge a fee of 3 per cent. on the amount of the Certificate.	„	XXIV.		
„ Penalty for perjury committed on examination authorized by this Act....	„	XXV.		
Alimentary Salt—(See Salt.)				
Army—Tampering with the—(See Military or Naval Forces.)				
Arrack imported into the Straits Settlements—(See Duty.)				
Asiatic Rum imported into the Straits Settlements—(See Duty.)				
B.				
Bank—Union—(See Union Bank of Calcutta.)				
Board of Revenue at Madras—Powers of the—may be vested in a Member of the Board on being deputed by the Governor in Council to any District on a Commission. (See Commissioner.)				
Branding Convicts—Practice of—abolished. (See Regulations), ...	II.	II.	.....	General.
British Subjects dying intestate within the Bengal Presidency—Administration of the Estates of—(See Administrator General.)				
C.				
Commissioner—Governor in Council may depute a Member of the Board of Revenue as—to any District with the				powers

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
powers of the Board of Revenue collectively.	X.	I.	.....	Madras.
Commissioner—Effect of the Special Commission which may be given to such Member.	„	II.		
„ Commission to be published in the Fort Saint George Gazette, and the revocation or other determination of the same.	„	III.		
„ Documents belonging to such Commission shall be deemed Records of the said Board.....	„	IV.		
Convicts—Practice of branding—abolished. (See Regulations.)	II.	II.	.....	General.
Criminal Courts having cognizance of offences under Section XXXVI., Regulation II. 1827, of the Bombay Code, may issue warrants under the hands of the Judges or one of the Judges for the arrest of the accused.	XII.	III.	.....	Bombay.
„ Offenders against the said Law may be tried and punished after removal from the Establishment of the Court to which they belong at the time of committing the offence.....	„	IV.		
Criminal Lunatics—(See Lunatics.)				
Custody of Criminal Lunatics—(See Lunatics.)				
Customs—(See Duty.)				
D.				
Drugs—Intoxicating—(See Abkaree.)				
Duty—Customs or Excise—on any greater or less than the given quantity how to be regulated.	V.	.....	.....	General.
E.				
Estates—Administration of—of British Subjects dying intestate within the Bengal Presidency. (See Administrator General.)				
Excise—(See Duty.)				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
F.	1849.			
Foreign Territories—Persons in the Company's Service and subjects of the British Government committing offences within—who may be apprehended within the British Territories, shall be amenable to the Law for offences committed in the Territory of any Foreign Prince or State.....	I.	II.	.....	General.
„ The Committing Magistrate shall before trial report the case to Government....	„	III.		
„ Government may order the trial before any competent Court.....	„	IV.		
„ If the offence be committed in—in which there is a Court established by authority of the Governor General in Council, the offender may be made over for trial before such Court.....	„	V.		
„ In committing such offender for trial what shall be the forms of warrant and bail-bond, pending the order of Government and after receipt of such orders...	„	VI.		
„ Order of Government shall be full authority for the trial and punishment of the offender within or out of the British Territories.	„	VII.		
„ Meaning of "Government" defined. ...	„	VIII.		
„ Commissioners vested with the delegated authority given to the Government may receive reports and give orders under this Act.	„	IX.		
I.				
International Jurisdiction. (See Foreign Territories and Offences.)				
Intoxicating Drugs. (See Abkaree.)				
J.				
Justices of the Peace—Powers of two—within the Madras Presidency or its subordinate places vested in one Justice of the Peace appointed to be a Magistrate.	IX.	I.	.....	Madras.
„ One Justice of the Peace appointed as Magistrate, may issue a Warrant of Distress for the recovery of arrears of assessment.	„	II.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
L.	1849.			
Leaguer of Arrack or Asiatic Rum imported into the Straits Settlements. (See Duty.)				
Liquors. (See Abkaree.)				
Lunatics may be acquitted by a competent Court or Jury for an offence proved to have been committed by them from unsoundness of mind.	IV.	I.	.....	General.
„ A special verdict to be given to that effect on acquitting them, ...	„	II.		
„ After verdict to be kept in custody for such time and in such manner as the Government may order.	„	III.		
„ Who have been acquitted before the passing of this Act may be kept in custody in like manner.	„	IV.		
„ On being restored to soundness of mind shall not be discharged unless by order of Government.	„	V.		
„ Government may remove such—to a Lunatic Asylum or other place of safe custody; afterwards remand them to the prison from which they were removed, or order them to be discharged if no longer to be kept in custody. ...	„	VI.		
„ Meaning of the word "Government" defined.....	„	VII.		
M.				
Madras—Power of Police Magistrates for the Town of—for the trial and punishment of simple Larcenies and other Felonies. (See Magistrates.)				
„ Commissioner of Revenue at—(See Commissioner.)				
Magistrate—Powers given by Acts XXI. 1839 and III. 1842, to any Justice of the Peace for the Town of Calcutta, for the trial and punishment of certain simple Larcenies and other Felonies and Assaults on board of Merchant Ships, extended to any—for the Town of Madras.	VIII.	I.	.....	Town of Madras.

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
Magistrate—The above Acts how to be read in respect of the Town of Madras and the Madras Roads.	VIII.	II.		
„ Powers of a single—who is also Justice of the Peace within the Madras Presidency. (See Justices of the Peace.)				
Malacca—Duty on Arrack or Asiatic Rum imported into—(See Duty.)				
Marking Convicts—the practice of—abolished.	II.	II.	.....	General.
Military Pensions exempted from seizure. (See Pensions.)				
Military or Naval Forces of the East India Company—attempt to seduce persons serving in the—or to stir up Mutiny among them how punishable...	XIV.	I.	.....	General.
„ Offenders under this Act may be committed by any Magistrate and tried by the Court of Sessions or by the Supreme Court.	„	II.		
„ Futwa not requisite in the trial of such offences.	„	III.		
„ Persons not exempted from being tried by a Court Martial under the Articles of War and Laws for the discipline of Indian Navy; but no person shall be tried for the same offence under the said Laws and also this Act.	„	IV.		
Mutiny. (See Military or Naval Forces.)				
N.				
Naval Pensions exempted from seizure. (See Pensions.)				
Navy—Tampering with the—(See Military or Naval Forces.)				
O.				
Offences cognizable under Section XXXVI., Regulation II. of 1827, of the Bombay Code. ..... (See Criminal Courts.)	XII.	III. and IV.		
Offences committed by persons of unsound mind. (See Lunatics.)				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
Offences committed in Foreign Territories by British Subjects. (See Foreign Territories.)				
P.				
Pensions—Military and Naval and Superannuation—or those of any Out-Pensioner of Chelsea or Greenwich Hospital, exempted from seizure by process of Court at the instance of a Creditor.	VI.	II.	.....	General.
„ Assignment of such—by Pensioners declared null and void.	„	III.		
„ Application of Act excepted in certain cases.....	„	IV.		
Prince of Wales' Island—Duty on Arrack or Asiatic Rum, imported into. (See Duty.)				
R.				
Regulation V. of 1809 ..... „ VIII. of 1813 ..... „ I. of 1822—Sec. VI. of — „ IX. of 1822 ..... „ VIII. of 1829 ..... Bengal Code.				
„ II. of 1829 ..... „ XII. of 1832 .... Madras Code.				
„ XI. of 1827—Sec. IV. of—rescinded. ..... Bombay Code. ... (See Foreign Territories.)	I.	I.		
„ IV. of 1797—Sec. XI. of— „ VII. of 1803—Sec. XXXV. of— ..... „ XVII. of 1817—Clauses 2nd, 3rd, and 4th, Sec. XII. of— ..... Bengal Code.				
„ VII. of 1802—Sec. XXXV. of— ..... Madras Code.				
„ II. of 1807—part of Clause 1st, Sec. III. of— ..... „ XVII. of 1817—part of Secs. IX. and X. of — Bengal Code.				
„ VI. of 1811—part of Sec. III. of— ..... „ II. of 1822—part of Secs. V. and VI. of— ..... Madras Code.				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
Regulation XIV. of 1827— } Bombay part of Chapter II. of— ... } Code. and all Regulations authorizing the practice of branding or publicly exposing Convicts, rescinded. ..... (See Convicts, Branding and Tusheer.)	II.	I.		
„ XII. of 1814—Bengal Code repealed.	VI.	I.		
„ II. of 1802—Section XXVI. of—Bengal Code, repealed.	XI.	I.		
„ II. of 1827—Section XXXVI. of—Bombay Code, amended.....	XII.	III., IV.		
„ X. of 1819—Section XXXVI. to XLVII. of— ..... } Bengal Code made applicable within Calcutta, and on the River Hooghly..... „ IV. of 1832—	XIII.	VI.		
„ XVIII. of 1827—Clause 1st, Section VI. of—Bombay Code, repealed. ..... (See Stamped Materials.)	XV.	I.		
Rum—Asiatic—imported into Straits Settlement. (See Duty.)				
S.				
Salt—Governor of Bengal may establish Chokies for preventing the smuggling of—into the Town of Calcutta within the local jurisdiction of the Supreme Court, and place such Chokies under a Superintendent.	XIII.	I.	.....	Calcutta.
„ The Superintendent may appoint Darogahs, and other Officers who shall be styled "Officers of Salt Chokies.".....	„	II.		
„ Import of—into the Town of Calcutta, in excess of 10 Seers and the storing thereof in quantities exceeding one Maund prohibited, except under a Pass or Charchittee.....	„	III.		
„ Found within the said Town or upon the River Hooghly in contravention of this Act shall be deemed contraband and liable to confiscation.	„	IV.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
Salt—Excess of quantity more than what is covered by a Rowannah shall be deemed contraband, and if the excess exceeds a certain proportion the whole shall be liable to confiscation. Persons carrying such—how to be punished. The excess how to be calculated.	XIII.	V.		
„ Sections XXXVI. to XLVII. Regulation X. 1819 and provisions of Regulation IV. 1832—Bengal Code, regarding Rowannahs, made applicable within Calcutta and on the River Hooghly....	„	VI.		
„ Vessels, packages and coverings containing contraband—and the animals and conveyances carrying it, shall also be liable to confiscation.	„	VII.		
„ Penalty for persons in possession of contraband—	„	VIII.		
„ Superintendent of Chokies and other authorized Officers may detain persons carrying contraband—and may seize also the Salt, &c.....	„	IX.		
„ Power of the Superintendent to enter into any place where contraband—may be stored and to carry away the same, and to arrest persons suspected to be concerned in the storing thereof.	„	X.		
„ Constables and other Officers of the Peace shall help the Superintendent and other authorized Officers in the execution of this Act. Penalty for Officers refusing to help.	„	XI.		
„ The facts of such seizure to be placed on record by the Superintendent. Seizures made by Subordinate Officers to be reported to the Superintendent within 24 hours.	„	XII.		
„ Penalty for persons giving false information against persons for importing or transporting or in respect of storing in contravention of this Act.	„	XIII.		
„ Penalty for persons obstructing the Superintendent or the authorized Officers in the execution of this Act, and additional penalty if an affray or breach of the peace shall happen in consequence.	„	XIV.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
Salt—Penalty for Officers empowered to make seizures, delaying to carry persons arrested or the illicit articles seized, to the Superintendent, or neglecting to report the particulars thereof within 24 hours.	XIII.	XV.		
„ Penalty for Officers vexatiously or unnecessarily seizing goods or persons....	„	XVI.		
„ Penalty for Officers conniving at the smuggling of—or releasing or conniving at the escape of persons arrested or evading the provisions of this Act.	„	XVII.		
„ Penalty for Officers receiving unauthorized gratuities and for persons offering a bribe.....	„	XVIII.		
„ Proceeding to be adopted by the Superintendent after the arrest of persons or seizure of contraband—The Superintendent may release persons or property, when he considers such persons or property improperly arrested or seized.	„	XIX.		
„ Seizures of—and Chattels to be heard and determined by a Justice of the Peace, and upon confiscation shall issue his warrant to the Superintendent for the disposal thereof.....	„	XX.		
„ What course to be taken for the disposal of confiscated goods when no claimant appears within one calendar month.	„	XXI.		
„ Fines to be adjudged by a Justice of the Peace, and the said Justice shall within a limited period summon the parties accused and examine into the matter. Fines shall be commutable to imprisonment in default of payment....	„	XXII.		
„ Repetition of offences how punishable.	„	XXIII.		
„ Fines levied how to be disposed of. If no fines are realized Officers and Informers how to be rewarded.	„	XXIV.		
„ Fines, the disposal of which is not provided for, shall belong to Government; but the Board of Customs, Salt				

and

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
and Opium may grant a portion thereof to informers or to injured parties.	XIII.	XXV.		
Salt—Writs of *Certiorari* shall not affect any information or judicial proceeding before any Justice of the Peace; and no judgment shall be quashed except for error.	,,	XXVI.		
,,The Board may call for proceedings and direct the seizure or part thereof to be restored, and remit or mitigate the penalty of parties.	,,	XXVII.		
,, Limitation of the period for the commencement of any action against the Superintendent or any other Officer, and notice thereof to be given within one month. Tender of sufficient amends before or of money after the action shall prevent the plaintiff from recovering damages.	,,	XXVIII.		
,,Definition of the term Alimentary Salt.	,,	XXIX.		
Sedition. (See Military or Naval Officers.)				
Singapore—Duty on Arrack or Asiatic Rum imported into—(See Duty.)				
Smuggling of Salt into Calcutta. (See Salt.)				
Spirits. (See Abkaree.)				
Stamped Materials—Law respecting the use of—in the Bombay Presidency, amended by repealing Clause 1st, Section VI. Regulation XVIII. of 1827, Bombay Code.	XV.	I.		
Statutes—Part of Clause CLIX. Chapter LII. of the—passed in the 33rd year of King George the Third, as relates to the sale of Arrack or other Spirituous Liquors within the Town of Calcutta, repealed.	XI.	I.		
Sudder Adawlut—Authority of the—to remain unimpaired notwithstanding its removal to the Island of Bombay.	XII.	I.	.....	Bombay.
,,The Acts and Orders of the—not questionable in the Supreme Court further than if the Court were held in the nearest Zillah.	,,	II.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
T.				
Tampering with the Army or Navy. (See Military or Naval Forces.)				
Tusheer—Public exposure of Convicts by—abolished.	II.	II.	.....	General.
U.				
Union Bank of Calcutta—Legalizing an agreement entered into between the Creditors of the—and the Executive Committee of the said Bank which suspended payment in 1847, the same containing certain arrangements and conditions for an amicable adjustment of its debts according to a Schedule of Assessment.	III.	I.	.....	Calcutta.
„ Payment of the sum assessed shall be a bar to all legal proceedings taken by Creditors after executing the agreement against Shareholders who shall have paid their shares of contribution.	„	II.		
„ The agreement not to affect Creditors who shall not have executed the agreement, nor to prevent Creditors who have executed the agreement from taking legal steps against persons who shall not have paid their contributions.....	„	III.		
„ Any Writ of *Scire Facias* issued or suits commenced against any Shareholder before payment of his assessment may be prosecuted and continued afterwards if the Suitor chooses so to do....	„	IV.		
„ Schedule of Assessment to be filed within one month in the Office of the Record-keeper of the Supreme Court as an evidence of the sums assessed against persons therein named.	„	V.		
Copy of agreement annexed to the Act.				

J. C. SHERRIFF, BENGAL MILITARY ORPHAN PRESS.

ACT No. I. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council on the 27th January, 1849.

An Act to provide more effectually for the punishment of offences committed in Foreign States.

WHEREAS divers Regulations of the Bengal, Madras and Bombay Codes have been made, from time to time, for the trial of Native Subjects of the British Government, committing criminal offences beyond the limits of the British Provinces, and it is expedient to make the same more effectual and uniform, and to extend the application thereof, It is enacted as follows:

I. The undermentioned Regulations and parts of Regulations are rescinded, that is to say:

Regulation V. of 1809, Regulation VIII. of 1813, Section VI. of Regulation I. and the whole of Regulation IX. of 1822, and Regulation VIII. of 1829, of the Bengal Code; Regulation II. of 1829, and Regulation XII. of 1832, of the Madras Code; Section IV. of Regulation XI. of 1827, of the Bombay Code; except so far as any of them rescinds any former Regulation.

II. All

II. All subjects of the British Government, and also all persons in the Civil or Military Service of the said Government, while actually in such service, and for six months afterwards, and also all persons who shall have dwelt for six months within the British Territories under the Government of the East India Company, subject to the laws of the said Territories, who shall be apprehended within the said Territories, or delivered into the custody of a Magistrate within the said Territories, wherever apprehended, shall be amenable to the law for all offences committed by them within the Territory of any Foreign Prince or State; and may be bailed or committed for trial as hereafter provided, on the like evidence as would warrant their being held to bail or committed for the same offence, if it had been committed within the British Territories.

III. The committing Magistrate, immediately, and before the trial, shall report every such case to the Government, and shall obey the orders which he shall receive thereon.

IV. The Government may order the trial to be had before one of the established Courts of Criminal Judicature, which would be competent to try the person charged for the offence, if it had been committed within the British Territories.

V. When the offence is charged to have been committed in the Territory of any Foreign Prince or State, administered by Officers acting under the authority the East India Company, in which Territory a Court, competent to try the person charged for the offence, is established by authority of the Governor General of India in Council, the Government may order such person to be conveyed in custody, out of the British Territories, for the purpose of delivering him up for trial before such Court.

VI. When the person charged is committed, the form of the warrant shall specify the commitment to be until the orders of Government can be received and acted on; when he is bailed, the form of the bail-bond

bond shall be, in the first instance, to appear before the Magistrate on a certain day assigned, allowing reasonable time for receipt of the orders of Government, and on such subsequent days as the Magistrate from time to time shall require; and if Government shall order the person charged to be tried within the Presidency, the Magistrate may cause the bail-bond to be renewed in the usual form, to appear and take his trial at the Court appointed for the purpose.

VII. In either case, the special order of the Government shall be deemed full authority, either for the trial and punishment of the person charged within the British Territories, or for conveying him in custody, out of the British Territories, as aforesaid.

VIII. The word 'Government' as used in the third and following Sections of this Act, means the Governor or Governor in Council or other person or persons having Supreme executive authority in the Presidency or Place to which the committing Magistrate belongs.

IX. The authority hereinbefore given to the Governnent may be also exercised by any Commissioner or other person acting in the Civil Service of the East India Company, to whom the Governor General in Council shall have delegated authority to receive reports and give orders in cases within this Act.

Calcutta, 1849:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. II. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council on the 27th January, 1849.

To abolish the practice of branding and exposing Convicts.

WHEREAS it is thought fit to abolish wholly the practice of branding and publicly exposing Convicts throughout the Territories under the Government of the East India Company, It is enacted as follows:

I. Section XI. Regulation IV. 1797, Section XXXV. Regulation VII. 1803, and Clauses Second, Third and Fourth, Section XII. Regulation XVII. 1817, of the Bengal Code, Section XXXV. Regulation VII. 1802, of the Madras Code, and so much of Clause First, Section III. Regulation II. of 1807, and of Sections IX. and X. Regulation XVII. of 1817, of the Bengal Code, so much of Section III. Regulation VI. of 1811, and Sections V. VI. Regulation II. of 1822, of the Madras Code, and all other Regulations or parts of Regulations, in force, directing that any convicted offenders shall have any indelible mark made upon their foreheads, or on any part of their persons, or authorizing any sentence of public exposure, commonly called Tusheer, and so much of Chapter II. Regulation XIV. of 1827, of the Bombay Code, as authorizes any sentence of public disgrace, are rescinded.

II. After

II. After the passing of this Act it shall not be lawful for any Court or Magistrate, within the Territories under the Government of the East India Company, to order that any brand or indelible mark, of any kind, be made or renewed on any part of the person of any convicted offender, or to sentence any offender to be publicly exposed by Tusheer, or to any other degrading exposure.

Calcutta, 1849 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. III. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 10th February, 1849.

An Act to comfirm an Agreement between certain Shareholders and Creditors of the Union Bank of Calcutta.

WHEREAS by Act XXIII. 1845, certain persons, therein declared to have formed themselves into a Company or Co-partnership by the name of "The Union Bank of Calcutta," and those who should thereafter become Members and Proprietors of the said Union Bank, were enabled to sue, and to be sued, at law and in equity, in the name of the person who should be the Secretary or the Treasurer of the said Bank, for the time being, and certain provisions are therein contained for the recovery of debts and demands due by the said Co-partnership:

And whereas a Memorial has been presented to the Governor General of India in Council, signed by Thomas Charles Morton, Esquire,—Henry Burkinyoung, Esquire,—Jeremiah James Homfray, Esquire,—and Baboo Prosunnocoomar Tagore,—all therein described as Members of the Executive Committee of Management of the said Union Bank, and also by certain persons, therein described as Members of the Committee of Creditors of the Union Bank,—that is to say, Charles Hogg, Esquire, therein described as constituted Attorney for Glyn, Halifax, Mills and Company,

Company,—by Henry Cowie, Esquire,—and by Thomas Seddon Kelsall, Esquire,—setting forth that the said Joint Stock Banking Company, or Union Bank of Calcutta suspended payment about the close of the year 1847 and that the remaining assets of the said Bank are insufficient to satisfy the outstanding debts and liabilities: that several Creditors of the Bank have obtained judgment against the public Officer under the said Act XXIII. 1845, and the assets of the Bank being insufficient, certain of the said judgments are put in suit against individual Shareholders: and that the Memorialists fear that, unless some mutually satisfactory arrangement can be immediately made between the Creditors and the Shareholders, an enormous sacrifice of property will speedily take place, and a great number of persons be involved in utter ruin; that many of the creditors are willing to agree with the Shareholders, and to give as complete a discharge as the law will allow, to those Shareholders who will pay such reasonable sums of money as have been assessed on them respectively, on account of the said debts and liabilities, by a Committee of Creditors, appointed at a public meeting of the Creditors, provided that such discharge do not work a release or otherwise affect their claims, in respect of the said debts and liabilities, against other persons liable to make good the same, who shall refuse or neglect to pay the sums, so assessed on them respectively; and that many of the said Shareholders are willing to pay the sums so assessed on them, provided that they may be thereby secured from all proceedings at law or in equity, in respect of the said debts and liabilities, at the suit of any Creditor who shall have executed such agreement as aforesaid, and accepted any payment out of the sums so contributed; that doubts have been entertained of the legal effect of such an agreement and discharge: and praying, therefore, that the effect of it may be established and defined by authority of the Governor General of India in Council, without prejudice to the rights of any Creditor of the said Bank executing the same, against any present or past Shareholder of the said Bank, who shall not have paid up, in the manner

ner prescribed by the said agreement, the full amount of the sum assessed on him or her as aforesaid, or to the rights of any Creditor who shall not execute the same, It is declared and enacted as follows:

I. The agreement of which a copy is annexed to this Act, being the agreement referred to in the said Memorial, shall be of full force as between those Creditors of the said Union Bank who shall execute the same, and those persons named in the Schedule hereinafter mentioned, and in the said agreement described as the Schedule thereunto annexed, marked A, being the Schedule of Assessment or Contribution toward the liquidation of the debts of the said Bank, who shall, in the manner mentioned in the said agreement, pay the several sums at which they are severally assessed in the said Schedule of Assessment; but shall be of no force to affect the rights or liabilities or any persons other than such as are party or privy thereunto, or the rights or liabilities of the persons named in the said Schedule, as against each other.

II. If any Creditor of the said Bank, who shall have executed the said agreement, shall thereafter sue out any Writ of *Scire Facias*, or take any other proceeding at law or in equity, on account of any debt or liability of the said Union Bank, against any person named in the said Schedule of Assessment, who shall have paid in the manner mentioned in the said agreement the full sum at which he or she is assessed in the said Schedule of Assessment, the execution of the said agreement by such Creditor, and payment of the said Assessment by the person against whom such Writ or other proceeding shall be sued out, or taken, may be pleaded in bar thereof; and all costs incurred by any such defendant in resisting such Writ or proceeding shall be paid by the Creditor at whose suit the same shall have been sued forth or instituted.

III. If any Creditor of the said Bank, who shall not have executed the said agreement, shall sue out any Writ of *Scire Facias*, or take any other

other proceeding at law or in equity, on account of any debt or liability of the said Union Bank, against any person liable to make good the same or any part thereof; or if any Creditor of the said Bank, who shall have executed the said agreement, shall sue out any Writ of *Scire Facias*, or take any other proceeding at law or in equity, on account of any debt or liability of the said Union Bank, against any person liable to make good the same, or any part thereof, who shall not pay in the manner mentioned in the said agreement the full sum at which he or she is assessed in the said Schedule of Assessment, the said agreement shall not be pleadable to such Writ or proceeding, nor shall the contents thereof be received in evidence, in any court of law or equity, in any proceeding had for the recovery of such debt or liability from any such person.

IV. Provided always, that nothing, hereinbefore contained, shall be construed to prevent any Writ of *Scire Facias*, which shall have been issued, or any action or suit which shall have been actually commenced against any Shareholder, before payment of his Assessment, from being prosecuted and continued afterwards, if the party instituting such proceeding, chooses so to do.

V. Within one month after the passing of this Act, a copy of the said Schedule of Assessment, signed by the said Thomas Charles Morton, Henry Burkinyoung, Jeremiah James Homfray, Prosunnocoomar Tagore, Charles Hogg, Henry Cowie, and Thomas Seddon Kelsall, shall be filed and enrolled among the Records of Office of the Record Keeper of the Supreme Court of Judicature at Fort William in Bengal; and the Schedule so filed shall be deemed the Schedule referred to by this Act, and by the said agreement, and shall be conclusive evidence of the amounts severally assessed against the persons named therein, according to the true intent and meaning of this Act.

ACT No. III OF 1849.

Copy of Agreement.

We, the undersigned, Creditors of the Union Bank of Calcutta, hereby undertake and promise, upon payment, by the Executive Committee of the said Union Bank, of an immediate first dividend of twenty-five (25) per cent. upon our respective claims, to accept the Schedule hereunto annexed, marked A, (which has been framed by a Committee of Creditors of the Bank) as the Schedule of Assessment or Contribution towards the liquidation of the debts of the said Bank, of the several Shareholders, past and present, therein named; and we promise and agree not to sue out any Writ of *Scire Facias* against, or otherwise to molest the person or property of any Shareholder or Shareholders of the said Union Bank, named in the said Schedule, who shall pay up the full sum placed opposite his or her name in the said Schedule, as and for his or her Assessment or Contribution as aforesaid. Provided, however, that nothing herein contained, shall be construed to protect any of the said parties from being proceeded against, unless and until he shall have actually paid his said Assessment in full, nor to prevent any Writ of *Scire Facias* which shall have been issued, or any action or suit which shall have been actually commenced against any Shareholder, before payment of his Assessment from being prosecuted, and continued afterwards, if the party instituting such proceeding chooses so to do. Provided, further, that if any Shareholder in the said Schedule named, shall not have paid or given security to the Executive Committee of the said Bank, certified by them to be sufficient, for the payment of his Assessment, within three months from this date, if he be resident in India, or within five months, if resident out of India, the same shall be increased ten per cent; and that a further per-centage of the like amount shall be added after every succeeding period of three months, during which the same shall remain unpaid or unsecured. Provided also, that the said Executive Committee, of the said Bank, do engage to pay, from time to time, such further dividends upon our respective claims, until full satisfaction thereof, respectively, as the sums realized from

from the said contribution shall enable them to do ; and whenever the realization shall amount to ten per cent. upon the remaining claims, to declare and pay a new dividend at that rate. Provided always, and it is hereby expressly declared and agreed, that we, the undersigned, reserve, to ourselves, all our rights and remedies whatsoever, against the assets of the said Bank, legal and equitable, and against all Shareholders, present and past, not paying up the full amount of their said Assessments, respectively, as aforesaid : In witness whereof we have hereunto set our respective hands, this twenty-fifth day of September, in the year of Christ, one thousand eight hundred and forty-eight.

Calcutta, 1849 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. IV. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 10th February, 1849.

An Act for the Safe Custody of Criminal Lunatics.

WHEREAS it is expedient to declare what unsoundness of mind excuses the commission of criminal acts, and to provide for the safe custody of persons found to have committed such acts, but acquitted by reason of unsoundness of mind, It is enacted as follows:

I. No person, who does an act which, if done by a person of sound mind, is an offence, shall be acquitted of such offence for unsoundness of mind, unless the Court or Jury, as the case may be, in which, according to the constitution of the Court, the power of conviction or acquittal is vested, shall find that, by reason of unsoundness of mind, not wilfully caused by himself, he was unconscious, and incapable of knowing, at the time of doing the said act, that he was doing an act forbidden by the Law of the land.

II. Whenever a person charged with any offence shall be acquitted, because he is within the exception made by the foregoing Section, the

the Court or Jury shall give a special judgment or verdict, that he did the act charged against him, being then of unsound mind, so as to excuse him according to law.

III. Whenever such special judgment or verdict, as aforesaid, shall have been given against any person, the court, before which the trial was had, shall order him to be kept in safe custody, in such place and manner as to the Court shall seem fit, until the pleasure of the Government can be known thereon: and thereupon the Government may order such person to be kept in strict custody, for such time and in such manner as to the Government shall seem fit.

IV. In all cases in which, before the passing of this Act, any person has been acquitted of any offence, on the ground of insanity, lunacy, idiocy, or unsoundness of mind, such person may be kept in the same strict custody in which persons may be kept, who shall be hereafter acquitted, for unsoundness of mind.

V. No person, against whom any such special judgment or verdict shall have been given, shall be entitled to be discharged out of custody on being restored to soundness of mind, unless by order and at the discretion of the Government.

VI. Whenever it shall appear to the Government that any person, imprisoned by the sentence of any Court, is of unsound mind, the Government, by a warrant which shall set forth the grounds of belief that such prisoner is of unsound mind, may order the removal of such prisoner to a Lunatic Asylum, or other fit place of safe custody, there to be kept and treated as the Government shall order; and, when it shall appear to the Government that such prisoner has become of sound mind, the Government, by a warrant directed to the person having charge of him, shall remand such prisoner to the prison from which he was removed, if then

then still liable to be kept in custody, or if not, shall order him to be discharged out of custody.

VII. The word 'Government' in this Act shall be taken to mean the Governor, or Governor in Council, or other person or persons administering the Government of the Presidency or place where the trial is had.

Calcutta, 1849:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. V. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 3rd March, 1849.

An Act for better defining the Duties of Customs and Excise.

WHEREAS under the Regulations in force for taking a duty of twenty Spanish Dollars for each and every Leaguer of Arrack or Asiatic Rum imported into and intended for consumption within Prince of Wales' Island, Singapore and Malacca, doubts have arisen whether any duty may be taken on importation of a quantity less than a Leaguer, and it is expedient that such doubts be removed and that the meaning of all such or the like expressions in any Regulation or Act for the levy of Custom or Excise Duties within the territories under the Government of the East India Company be plainly declared, it is declared and enacted as follows:

I. Whenever by any Regulation or Act now or hereafter to be in force, not containing any direction to the contrary, a certain duty of Customs or Excise, or in the nature thereof, is leviable on any given quantity, by weight, measure or value, of any goods or merchandise, a like duty is leviable according to the same rate on any greater or less quantity.

Calcutta, 1849:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. VI. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 17th March, 1849.

For securing Military and Naval Pensions and Superannuation Allowances.

WHEREAS it is expedient to consolidate and extend the operation of the law, as to the exemption of Military and Naval Pensions, and other Superannuation Allowances, from seizure under process of law, It is enacted as follows:

I. Regulation XII. 1814 of the Bengal Code, and Act XXXI. 1845, are repealed.

II. The reduced pay or pension, however called, of any Invalid Officer, Soldier, Sailor or Retainer of the Army or Navy, in the Military or Naval Service of the East India Company, and also any monthly or yearly pension, or pecuniary allowance to any person, in consideration of past services and present infirmities, or old age, granted by authority of the Governor General in Council, or of the Governor or Governor in Council, or Lieutenant Governor, of any Presidency or Place within the Territories under the Government of the East India Company; and also the

the pension of any Out-Pensioner of Chelsea or Greenwich Hospital, granted by authority of the Commissioners of Chelsea or Greenwich Hospital respectively, and also all money due or to become due on account of any such pension or allowance, shall be exempt from seizure, attachment or sequestration by process of any Court within the said Territories, at the instance of a Creditor, for any demand against the Pensioner, or in satisfaction of a decree or order of any such Court.

III. All assignments, agreements, orders, sales and securities of every kind made by any such Pensioner, in respect of any money not payable at or before the making thereof, on account of any such pension, or for giving or assigning any future interest therein, are null and void.

IV. This Act shall not apply to any process of any Court established by Royal Charter, issued out of such Court before the passing of this Act, or to any assignment, agreement, order, sale or security by any such Pensioner, made before the passing of this Act in respect of a Chelsea or Greenwich pension, or a pension or allowance granted in the Presidency of Madras; or before the 27th December 1845, in respect of a pension or allowance granted in the Presidency of Bombay; or before the 27th May 1814, in respect of a pension or allowance granted in the Presidency of Bengal.

Calcutta, 1849:—Printed at the Bengal Military Orphan P[illegible]s, by J. C. Sherriff.

ACT No. VII. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 7th April, 1849.

An Act for the appointment of an Administrator General in Bengal.

WHEREAS it is expedient to disconnect the Administration of the Estates of British Subjects dying intestate in the Presidency of Fort William in Bengal from the Office of Ecclesiastical Registrar of the Supreme Court, and to appoint an Administrator General there; It is enacted as follows:

I. Whenever, after the passing of this Act, any British Subject shall die intestate within the Presidency of Fort William in Bengal, or the Territories which are or shall be subordinate to the said Presidency, and on the return of the citation issued from the proper Ecclesiastical Court, no next of Kin shall appear, and make out their claim to the Administration of the Effects of the deceased to the satisfaction of the said Court, and also, whenever the Executor or Executors, appointed by the Will of any British Subject dying therein, shall refuse to prove the Will, the Administrator General created by this Act shall, except in the case hereinafter excepted, apply for, and the said Court shall grant to him, instead of the Ecclesiastical Registrar, such Letters of Administration or *Ad Colligenda Bona* as to such Court shall seem meet; by virtue whereof the

the said Administrator General shall collect the assets of the deceased, and account for them as herein provided.

II. All Letters of Administration or *Ad Colligenda Bona*, granted to the Ecclesiastical Registrar of the Supreme Court,—and all Probates, granted to such Officer, of Wills, appointing the Ecclesiastical Registrar of the Supreme Court, by that description, or him and his successors, Executors thereof,—and all Estates, Effects and Interests, vested in the said Ecclesiastical Registrar by virtue thereof; and all Books, Papers and Documents belonging to him or in his possession, or under his control by virtue of such Letters or Probates, shall, by this Act, and without other grant, be transferred to the Administrator General by this Act created; who shall be, to all intents and purposes, such Administrator, Executor, or Grantee, in his new character of Administrator General, as the Ecclesiastical Registrar of the Supreme Court was; and shall have all the same powers as the said Ecclesiastical Registrar might exercise at the time of the passing of this Act, as such Administrator, Executor, or Grantee.

III. The Ecclesiastical Registrar at the time of the passing of this Act shall be the first Administrator General, and upon the passing of this Act shall cease to be Ecclesiastical Registrar; and as such Administrator General shall be entitled to receive or retain all Commissions to which he was entitled as Ecclesiastical Registrar at the time of the passing of this Act on any such grants as aforesaid.

IV. On all future vacancies of the Office, the Administrator General shall be appointed by the Governor General of India in Council.

V. After the passing of this Act, the Administrator General shall not be deemed, in that capacity, an Officer of the said Supreme Court, and shall not be otherwise accountable to it than any ordinary Executor, Administrator, or Grantee of Letters *Ad Colligenda Bona*, as the case may be.

VI. Every

VI. Every Administrator General shall give Security, by bond, to the East India Company, himself for One Lakh of Rupees, with two or more Sureties, jointly and severally, for another Lakh of Rupees, for the due execution of his said Office; and shall not be required by the said Supreme Court to enter into any Administration Bond, or to give other Security to that Court on the grant of any such Letters as aforesaid.

VII. The Administrator General shall receive,—for the discharge of his duties as such Administrator General, under all such grants of Letters as aforesaid made, after the passing of this Act, or on Probates of Wills, so granted, after the passing of this Act, wherein he is named Executor, by virtue of his Office,—instead of the Commission heretofore received by the Ecclesiastical Registrar, a Commission calculated after the rate of Three Rupees in every Hundred Rupees, which he shall actually distribute, or which he shall set apart and invest as herein provided, for the benefit of the parties ultimately entitled thereto, if the same are not immediately payable; and, out of the said Commission of Three Rupees in the Hundred, shall defray the expenses of the necessary Establishment, and all other charges, to which the said Office may be subject.

VIII. No person, other than the Administrator General, shall be entitled to charge any Commission or Agency, as Executor of any Will, of which Probate shall have been granted in the said Presidency after the passing of this Act, or as Administrator of any Effects whereof Administration shall have been granted in the said Presidency after the passing of this Act: but this enactment is not to be deemed to hinder any Executor from having the benefit of any legacy bequeathed to him, either of a specific sum or residuary bequest, or by way of Commission, or in any other manner.

IX. The Assets belonging to the Estates administered by the said Administrator General shall be kept by him in the Treasury of the East India

India Company, or otherwise kept and invested by him, in such manner as the Governor General of India in Council shall from time to time order; which order shall be published in the *Calcutta Gazette*, and shall be full authority, protection and indemnity in all Courts whatsoever for such keeping and investing.

X. The said Administrator General shall enter into Books, to be kept by him for that purpose separate and distinct accounts of each Estate, and of all such sums of Money, Bonds and other Securities for Money, Goods, Effects and Things, as shall come to his hands or to the hands of any person employed by him, or in trust for him under this Act; and likewise of all payments made by him on account of the said Estates and of all debts due by or to the same, specifying the dates of such receipts and payments respectively; which said Books shall be kept in the Administrator General's Office, and shall be open for the inspection of all such persons, practitioners in the said Court and others, as may have occasion to inspect the same, at office hours; paying only such reasonable fee as may be, from time to time, fixed therefore, by the Governor General of India in Council and published in the *Calcutta Gazette*.

XI. The Administrator General shall twice in every year, that is, on the First day of March and on the Tenth day of August, or on the First day on which the said Court shall be sitting after those days, exhibit and deliver, in open Court, a true Schedule, shewing the gross amount of all sums of Money received or paid by him, on account of each Estate in his charge, and the balances, during the period of six months ending severally on the Thirty-first day of December and Thirtieth day of June next before the day of delivering such Schedule; and a true list of all Bonds or other Securities received on account of each of the said Estates during the same period; and also a true Schedule of all Administrations whereof the final balances shall have been paid over to the persons entitled to the same, during the same period,—specifying the amount of such balances,

balances, and the persons to whom paid; which Schedules shall be filed of record in the said Court, and shall, within fourteen days afterwards, be published in the *Calcutta Gazette* by the said Administrator General; and copies thereof in triplicate shall be delivered to the Secretary of the said Presidency, and sent by the Governor of the said Presidency to the Court of Directors of the East India Company for publication in the *London Gazette.*

XII. The Governor General of India in Council, shall, from time to time, appoint an Auditor or Auditors to examine the Accounts of the Administrator General at the time of the delivery of the said Schedules, and also at any other time when the Governor General of India in Council shall think fit.

XIII. The Auditor or Auditors shall examine the Schedules and Accounts, and report to the said Governor General of India in Council whether they contain a full and true account of every thing which ought to be inserted therein, and whether the Books, by this Act directed to be kept by the Administrator General, are duly and regularly kept, and whether the Assets are duly kept and invested in such manner as is by law prescribed.

XIV. Every Auditor shall have power to summon as well the Administrator General as any other person or persons whose presence he may think necessary, to attend him from time to time; and to examine the Administrator General or other party or parties if he shall think fit on Oath or Solemn Affirmation to be by him administered; and to call for all Books, Papers and Documents which may appear to him to be necessary for the purposes of the said reference: and if the Administrator General, or other person or persons when summoned shall refuse or without reasonable cause neglect to attend, or to produce any Books, Papers or Documents required, or shall attend and refuse to be sworn or make a Solemn Affirmation when by law an Affirmation may be substituted for

an Oath, or shall refuse to be examined, the Auditor or Auditors shall certify such neglect or refusal in writing to the Supreme Court of Judicature at Fort William in Bengal; and every person so refusing or neglecting shall thereupon be punishable, in like manner as if such refusal or neglect had been in contempt of the said Supreme Court.

XV. The costs and expenses of preparing and publishing the said Schedules and copies thereof and of every such reference and examination shall be defrayed proportionably by all the Estates, the Accounts of which are then under examination, which costs and proportions shall be ascertained and settled by the Auditor or Auditors, subject to the approval of the Governor General of India in Council, and shall be paid out of the said Estates, accordingly, by the Administrator General.

XVI. If upon any such reference and examination the Auditor or Auditors shall see reason to believe that the said Schedules do not contain a true and correct account of the matters therein, or which ought to be therein contained, he or they shall report accordingly to the Governor General of India in Council, specifying the substance of the objections thereto.

XVII. The Governor General of India in Council shall refer every such report, as last aforesaid, to the consideration of the Advocate General of the East India Company in Bengal, who shall thereupon, if he shall think fit, proceed summarily, by petition, for an account against the said Administrator General, or against the late Administrator General, after his removal from Office, or against his personal representatives in case of his death, in respect of all or any of the Estates then or formerly under his care as the said Advocate General shall think fit; and shall have power to exhibit interrogatories to the said Administrator General, or other person or persons defendants, who shall be bound to answer the same as fully as if the same had been contained in a Bill filed for the like purpose;

pose; and the Court shall have power, on any such petition filed, to examine orally the parties before it and all witnesses, or to refer the Accounts to be taken in the ordinary way.

XVIII. The costs of the reference and examination, and those of the Advocate General, when such are directed to be paid, shall be defrayed either by the defendant or defendants, in case he or they shall be decreed to pay the costs, or out of the Estates ratably as the said Court shall direct; and whenever the costs of any reference and examination shall be recovered from the defendant or defendants, the same shall be repaid to the Estates by which the same were in the first instant contributed, and the Court shall have power to order the Administrator General, or other person or persons defendants, to receive his or her costs out of the said Estates if it shall think fit.

XIX. The said Court shall have power on such petition to make such original and subsequent orders as upon a Bill filed; and such Orders shall have the same effect, and be executed in the same manner as Decretal Orders.

XX. Whenever any British Subject shall die within the said Presidency intestate, and Letters of Administraton to his or her Effects shall not be taken out for three months after the death, and the Administrator General shall be satisfied that such Effects do not exceed in the whole Five Hundred Rupees, he may, if he shall think fit, grant, —to any person claiming to be entitled to a principal share of the Effects of the deceased,—Certificates under his hand, entitling the claimant to receive the sums or securities for Money therein severally mentioned belonging to the Effects of the deceased, to the value of any sum not exceeding in the whole Five Hundred Rupees.

XXI. The Administrator General shall not be bound to grant any such Certificate, unless he is satisfied of the title of the claimant, and of the

the value of the Effects of the deceased, either by the Oath or Affidavit of the claimant, or by such other evidence as he shall require.

XXII. Any such Certificate, with a receipt annexed, under the hand of the person to whom the Certificate is granted, shall be a full receipt and discharge for payment or delivery to him or her of the Money or Security for Money therein mentioned, with respect to the claim of any other person upon the person paying or delivering the same: but any next of Kin or representative or creditor of the deceased shall have remedy for recovery thereof against the person receiving the same.

XXIII. The Administrator General shall not be bound to take out Letters of Administration to the Effects of any deceased person on account of whose Estate he shall grant any such Certificate, but may do so, if he shall discover any fraud or misrepresentation made to him, or that the value of the Estate exceeded Five Hundred Rupees.

XXIV. For every such Certificate the Administrator General shall be entitled to charge a fee calculated after the rate of Three Rupees in the Hundred on the amount mentioned in the Certificate.

XXV. Every person who, having been sworn, or having taken a Solemn Affirmation under this Act, shall wilfully give false testimony upon any examination authorized by this Act, shall be deemed guilty of perjury, and, if convicted thereof, shall be liable to fine and imprisonment, or to fine or imprisonment, which imprisonment may be at the discretion of the Court, with or without hard labor, and may extend to two years.

Calcutta, 1849:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. VIII. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 12th May, 1849.

An Act for assimilating the Penal Jurisdiction of Police Magistrates at Madras to that of Justices of the Peace at Calcutta.

WHEREAS it is expedient to apply the provisions of the Acts No. XXI. 1839 and No. III. 1842, to the Town of Madras, It is enacted as follows:

I. All powers given by Act No. XXI. 1839, or Act No. III. 1842, to any Justice of the Peace for the Town of Calcutta, for the trial and punishment of certain simple Larcenies and other Felonies within the Town of Calcutta, and of assaults on board of Merchant Ships in the River Hooghly, may be exercised by any Justice of the Peace, appointed to be a Police Magistrate for the Town of Madras, for the trial and punishment of the like Larcenies and Felonies within the Town of Madras, and the like assaults on board of any Merchant Ship in the Madras Roads.

II. In

II. In execution of the powers of the said Acts by any Police Magistrate for the Town of Madras, the said Acts shall be read as if the Town of Madras, and Supreme Court of Judicature at Madras, were severally mentioned therein instead of the Town of Calcutta, and Supreme Court of Justice at Calcutta; and as if the Madras Roads were mentioned therein instead of the River Hooghly or the mouths thereof.

Calcutta, 1849:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. IX. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 12th May, 1849.

An Act for enabling one Police Magistrate to exercise in certain cases the powers of two Justices in the Presidency of Fort St. George.

WHEREAS it is expedient to apply the provisions of the Acts No. IV. 1835, No. I. 1837, and No. XXXII. 1838, to the Presidency of Madras, It is enacted as follows:

I. All powers whatever in Criminal cases, which by virtue of any law now in force may be exercised by two Justices of the Peace, or by two Police Magistrates within the Presidency of Fort St. George and places subordinate thereto, may be exercised by one Justice of the Peace appointed to be a Police Magistrate within the said Presidency.

II. Any one Justice of the Peace, appointed to be a Police Magistrate within the said Presidency, may issue a warrant of distress for the recovery of Arrears of Assessment accruing under the Act of Parliament 33 Geo. III. Cap. 52; and every such warrant shall have the same force as if it were under the hands and seals of two Justices.

Calcutta, 1849 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. X. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 26th May, 1849.

An Act for appointing a Commissioner of Revenue at Madras.

WHEREAS it is expedient that the Governor of Fort St. George in Council should be empowered to depute a Member of the Board of Revenue, to perform in any of the Districts of that Presidency all or any of the duties which, by the General Regulations and Laws of the Presidency, belong to the Board of Revenue collectively, It is enacted as follows:

I. The Governor of Fort St. George in Council may, from time to time, whenever he shall see fit, depute a Member of the Board of Revenue to perform alone, in any of the Districts of that Presidency, all or any of the duties which, by the General Regulations and Laws of the Presidency, belong to the Board of Revenue collectively.

II. When a special Commission shall be given to a Member of the Board of Revenue under this Act, the Member of the Board named therein

therein shall, by virtue thereof, be empowered to exercise, within the limits of his Commission, all the powers and duties which by Law are vested in the Board of Revenue collectively, without exception, or subject to any exceptions or restrictions which shall be prescribed in such Commission; and all Regulations and Acts concerning the Board of Revenue shall be deemed to apply to the said Commissioner within the limits of his Commission, and with regard to all things concerning the Revenues of the District included in it, so far as is necessary to give full effect to his Commission and to this Act.

III. Every such Commission shall be published in the *Fort St. George Gazette*, and the Commissioner shall enter on his Office from the date of such publication; and in like manner the revocation or other determination of any such Commission shall be published in the *Fort St. George Gazette.*

IV. The correspondence and other documents belonging to any such Commission shall be deposited, on the determination thereof, in the Office of the Board of Revenue, and shall be deemed Records of the said Board.

Calcutta, 1849:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XI. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 11th August 1849, with the assent of the Most Noble the Governor General of India.

For securing the Abkaree Revenue of Calcutta.

FOR better securing the Abkaree Revenue of Calcutta, It is enacted as follows:

I. Act I. 1842, Act XXVI. 1845, Section 26, Regulation II. 1802, of the Bengal Code, and so much of Clause CLIX., of an Act of Parliament, numbered Chapter LII., of the Statutes passed in the Thirty-third Year of the reign of King George the Third, as relates to the sale of Arrack or other Spirituous Liquors, within the Town of Calcutta, and to the punishment of unlicensed Traders in Spirits or Spirituous Liquors, within the said Town, are repealed.

II. The collection of the Revenue arising from the retail sale of Spirituous or Fermented Liquors and intoxicating drugs, within the Town of Calcutta, shall be under the charge of the Collector of Calcutta, who shall perform the duties connected therewith under the controul of the Commissioner

Commissioner of Abkaree and the Board of Customs, Salt and Opium, and all proceedings of the Collector held under this Act, shall be subject, with or without appeal, to their revision.

III. The Collector may appoint Constables, Darogahs, Jemadars, Burkundauzes, and other Officers, for collection of the said Revenue and prevention of Smuggling; and the Officers so appointed, beside their ordinary respective designations, shall be styled "Abkaree Officers."

IV. Every person who shall sell, by retail, any Spirituous or Fermented Liquors or intoxicating drugs, hereinafter specified, within the Town of Calcutta, without a license for that purpose under the hand and seal of the Collector of Calcutta, shall be liable to a fine, not exceeding five hundred Rupees, for each sale: but this enactment shall not apply to wholesale dealers selling such small quantities of Beer, Wines or Spirits, as may appear to the Collector to be intended only as samples.

V. A sale of English or Foreign Beer, Wines or Spirits, in any quantity, not exceeding two gallons, or of Bengal Arrack or Rum or other country spirit in any quantity, not exceeding one seer, or of Tauree in any quantity, not exceeding four seers, or of Ganjah or Bhang or any preparation or admixture of the same, in any quantity, not exceeding one quarter of a seer, or of Churrus, Opium, Chundoo, or Muddut, or any preparation or admixture of the same, in any quantity, not exceeding the weight of five tolahs, shall be deemed a retail sale within the meaning of this Act.

VI. The sale of Bengal Arrack or Rum, or other country Spirit, or of Tauree, or of Ganjah, or Bhang, or any preparation or admixture of the same, or of Churrus, Opium, Chundoo, or Muddut, or any preparation or admixture of the same, in quantities larger than those specified for each Article in Section V. of this Act, is prohibited; and every person, who shall act in breach of this prohibition, shall be liable to the fine prescribed

prescribed in Section XV., for the illicit possession of these Articles: but this prohibition does not apply to the sale of Spirituous or Fermented Liquors and intoxicating drugs, imported into Calcutta, under passes from the Collector, or other Officer duly empowered in that behalf, and supplied by wholesale to licensed retail dealers, or to the sale of Bengal Rum under bond for exportation by Sea, or to the sale of Opium intended for exportation by Sea, and covered by a Certificate to that effect, issued under the authority of the Board of Customs, Salt and Opium.

VII. The Board of Customs, Salt and Opium shall have authority, at all times, to regulate the form of licenses to be granted under this Act, and to alter and add to the conditions thereof.

VIII. Every person taking out a license for the retail sale of Spirituous or Fermented Liquors, or intoxicating drugs under this Act, shall execute a counterpart engagement in exact conformity with the tenor of such license.

IX. Whenever a license shall be granted under this Act, the Collector shall be authorised to demand, in consideration of the privilege granted, such fee, tax or duty as may, from time to time, be fixed, with the sanction of the Board of Customs, Salt and Opium; and such fee, tax or duty, may be made payable in advance, or at such period as may be settled by the Collector.

X. The Collector may withhold or recall a license, if any such fee, tax or duty be not duly paid, according to the conditions upon which the license is granted, or in case of a breach of any of the other conditions thereof; or with the sanction of the Commissioner of Abkaree, for any other cause, giving one month's notice of such withdrawal; and any person selling, by retail, any Spirituous or Fermented Liquors, or intoxicating

ting drugs above specified, within the Town of Calcutta, whilst such license is withheld, or after it is recalled, shall be subject to all the penalties provided by this Act for the unlicensed sale of Spirituous or Fermented Liquors, or intoxicating drugs.

XI. Any licensed retail dealer may surrender his license on giving fifteen days' previous notice to the Collector, and paying a sum equal to the tax for that time, over and above the sum payable under the license.

XII. It shall not be lawful for the Justices of the Peace for the Town of Calcutta, to grant a license to open or establish or keep open any Hotel, Punch House, Boarding House, or any other House of public entertainment, within the Town of Calcutta, in which any Spirituous or Fermented Liquors or intoxicating drugs, above specified, may be sold, to any person who has not taken out a license for the retail sale of such Liquors and Drugs; and any such license, granted by any Justice of the Peace, shall become void whenever the license, for the retail of such Liquors and Drugs, granted to such person, is withheld or recalled by the Collector under this Act.

XIII. The Collector, after demand made in writing, may levy any arrear of tax or duty, due on account of any license granted under this Act, by distress and sale of the goods and chattels of the person from whom the same is due, provided that no such arrear shall be recoverable after the end of two years next after the same shall have become due, or next after an acknowledgment of the same in writing shall have been given by the person by whom the same is payable.

XIV. A breach of any of the conditions of a license granted under this Act, shall, beside entailing forfeiture of the license, be punishable by a fine not exceeding fifty Rupees; and such fine shall be recoverable from the licensed dealer notwithstanding that such breach may have been

owing

owing to the default or carelessness of the servant or other person in charge of the shop.

XV. Any person, not being a licensed Dealer, having in his possession, and any person carrying within the Town of Calcutta, any greater quantity of Spirituous or Fermented Liquors, or intoxicating drugs above specified, or any preparation or admixture of the same except English and Foreign Beer, Wines and Spirits, than the quantity specified for each Article in Section V. of this Act, and not being protected by a pass or permit from the Collector, or other Officer duly empowered in that behalf, shall be liable to a fine, not exceeding five hundred Rupees, except in the case of Opium; and in the case of Opium, to a fine not exceeding the rate of sixteen Rupees for each seer found in the possession of, or carried by, such person; and if such last mentionel fine shall not amount to five hundred Rupees, such person shall be liable to a further fine, not exceeding such sum as shall make the total fine imposed amount to five hundred Rupees.

XVI. Beside the penalties above specified for the illicit sale, possession, and carrying of Spirituous or Fermented Liquors, or intoxicating drugs, all such liquors and drugs found in the possession of any offender against this Act shall be seized and confiscated; and the vessels, packages and coverings in which such liquors and drugs are found, and the animals and conveyances used in carrying them, shall also be liable to seizure and confiscation.

XVII. Any Abkaree Officer above the rank of a Peon or Chauprassy may enter and inspect at any time, by day or by night, and any Abkaree Officer may enter and inspect by day the house or shop in which any licensed Dealer shall carry on the sale of Spirituous or Fermented Liquors, or intoxicating drugs.

XVIII. Every

XVIII. Every person holding a license for the sale of Spirituous or Fermented Liquors, or intoxicating drugs shall keep such license at the house or shop specified in the license, and shall shew the license on the demand of any Abkaree Officer, who shall desire to see the same; and any licensed Dealer, who shall refuse, or be unable to produce his license, on the demand of any Abkaree Officer, shall be liable to a fine, not exceeding two hundred Rupees.

XIX. Any Abkaree Officer may stop and detain any person carrying any Spirituous or Fermented Liquors, or intoxicating drugs, without a pass, or otherwise liable to confiscation under this Act, and may seize the liquors or drugs, with the vessels, packages and coverings in which the liquors or drugs are found, and the animals and conveyances used in carrying them.

XX. If the Collector has good reason to believe, either from information given by any Abkaree Officer or other person, to be taken down in writing, or from his own knowledge, or from the proceedings in any other case, that any Spirituous or Fermented Liquors, or intoxicating drugs, liable to confiscation under this Act, are kept or concealed in any place, the Collector, by warrant under his hand, may empower any Abkaree Officer, above the rank of Jemadar of Peons, between sunrise and sunset, but always in the presence of a Constable or other Officer of the Peace, to enter into every such place, where any such liquors or drugs are suspected to be kept or concealed, and to seize and carry away such liquors or drugs; and, in case of resistance, to break open any door, and to force and remove any other obstacle to such entry, search, seizure or removal, as aforesaid; and to arrest and detain the owner or occupier of the premises, with all parties whom he suspects to be concerned in the unlawful keeping or concealing of such liquors, or drugs, whom he shall find on the premises. Provided, that where there is ground to suspect that such liquors or drugs are unlawfully concealed in any zenana, the

the Officer, charged with the execution of the warrant, shall follow, as closely as may be, the rules for the seizure of property so concealed, adopted by the Supreme Court of Judicature at Fort William.

XXI. All Constables, and other Ministerial Officers of the Peace are required to help the Abkaree Officers in the due execution of this Act upon notice given, or request made by any such Abkaree Officer: and any Officer, who, without lawful excuse, shall refuse or neglect to assist as aforesaid, on being required to do so, shall be liable to the penalty prescribed by Section XXVII. of this Act, for Abkaree Officers conniving at the escape of a person arrested under this Act.

XXII. Whenever any Abkaree Officer, duly authorized under this Act, shall arrest any person, or shall seize any Spirituous or Fermented Liquors, or intoxicating drugs, or shall enter any house or shop for the purpose of searching for such illicit Articles, he shall carry the person arrested, with the illicit Articles, seized, with all convenient despatch, to the Collector, and shall, within twenty-four hours thereafter, make a full report to the Collector of all the particulars of such arrest, seizure, or search. And the Collector, after such further enquiry as he deems necessary, shall forthwith either release the person arrested, or send him in custody to a Justice of the Peace for the Town of Calcutta.

XXIII. Every person, who shall maliciously give false information against any person for being engaged in the unlicensed sale of Spirituous or Fermented Liquors, or intoxicating drugs, or for having in his possession, or carrying, or in respect of there being in any house or shop any Spirituous or Fermented Liquors, or intoxicating drugs, in contravention of this Act, shall be liable to a fine, not exceeding five hundred Rupees, or to imprisonment in the Common Jail, for a period not exceeding six months, or to both.

XXIV. Every

XXIV. Every person, who shall obstruct or molest any Abkaree Officer, or any person acting in aid of such Officer, in the due execution of this Act, shall be liable to a fine, not exceeding five hundred Rupees; and such person shall be further liable, if an affray or breach of the peace shall happen in consequence of his resistance, on conviction of the same before a competent tribunal, to such punishment as is prescribed by law for cases of affray and breach of the peace, in addition to the penalty above prescribed for resistance of process.

XXV. Any Abkaree Officer, who shall delay carrying to the Collector any person arrested or any illicit articles seized under this Act, or who shall neglect to report the particulars of an arrest, seizure or search, within twenty-four hours thereafter, shall be liable to a fine, not exceeding two hundred Rupees.

XXVI. Any Abkaree Officer, who shall vexatiously and unnecessarily seize the goods or chattels of any person, on the pretence of seizing or searching for illicit Spirituous or Fermented Liquors, or intoxicating drugs, or who shall vexatiously and unnecessarily arrest any person, or commit any other excess, not required for the execution of his duty, shall be liable to a fine, not exceeding five hundred Rupees.

XXVII. Any Officer, employed in the Abkaree Department, who shall unlawfully release or connive at the escape of any person arrested under this Act, or connive at the sale of Spirituous or Fermented Liquors, or intoxicating drugs, without license, or by any licensed Dealer, contrary to the terms of such license, or act in a manner inconsistent with his duty for the purpose of enabling any person to do any thing, whereby any of the provisions of this Act may be evaded or broken, or the Abkaree Revenue defrauded, shall be liable to a fine, not exceeding five hundred Rupees.

XXVIII. Any

XXVIII. Any Abkaree Officer, who shall ask or take any gratuity, not authorized by any Law or Order of Government, or of the Board of Customs, Salt and Opium, in consideration of doing, or of omitting to do any act in his official capacity, and any person, who shall offer a bribe to any such Officer, in order to induce such Officer to act in a manner inconsistent with his duty, shall be liable, for every such offence, to a fine, not exceeding five hundred Rupees.

XXIX. Whenever any goods or chattels shall be seized by an Abkaree Officer, as liable to confiscation under this Act, such seizure shall, upon information, exhibited by order of the Collector, be heard and determined in a summary way, by any Justice of the Peace for the Town of Calcutta; and such Justice shall cause the persons to whom such goods and chattels belong, to be summoned to appear before him, and upon their appearance or default shall examine into the cause of the seizure thereof, and give judgment; and if such judgment shall be for confiscation of the goods or chattels seized, shall issue his warrant to the Collector for the sale or disposal thereof, according to such orders as the Collector may receive from the Board of Customs, Salt and Opium.

XXX. Whenever any goods or chattels shall be seized as aforesaid, and within one Calendar month, no person shall appear before the Collector to claim the same, the Justice shall examine into the cause of the seizure, at a place and time of which notice shall have been given by the Collector in the *Calcutta Gazette*, and give judgment for the confiscation of such of the goods and chattels, as, upon such examination, shall appear to him liable to forfeiture; and, upon confiscation thereof, shall issue his warrnt for the disposal of them, as if the owner had been summoned to attend the said Justice.

XXXI. All fines leviable under this Act, except under Section XXXVIII., shall be adjudged by any Justice of the Peace, for the Town

Town of Calcutta, and the said Justice, upon information exhibited before him by order of the Collector, shall, forthwith, summon the parties accused, and upon their appearance or default, shall examine into the matter, and upon due proof made thereof, by the voluntary confession of the parties, or by the oath or solemn affirmation, in cases wherein a solemn affirmation is receivable by law instead of an oath, of one or more credible witnesses, shall give judgment accordingly; and, in default of payment of any fine to which an offender is adjudged, he shall be liable, by order of the said Justice, to imprisonment in the Common Jail, for a period not exceeding six months, or until the fine is sooner paid: and no proceedings shall be taken under this Section by any Justice of the Peace after the expiration of three Calendar months from the date of the offence by which the fine was incurred.

XXXII. Whenever any person shall be convicted before any such Justice as aforesaid of an offence against this Act, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment in the Common Jail, for a period not exceeding six months; and a like punishment of imprisonment, not exceeding six months, shall be incurred, in addition to the punishment, which may be inflicted for a first offence, upon every subsequent conviction after the second.

XXXIII. One-half of all fines levied from persons convicted of the illicit possession, carrying, or sale of Spirituous or Fermented Liquors, or intoxicating drugs, and of the proceeds from sale of articles confiscated, except Opium, and in the case of Opium confiscated, and declared by the Opium Examiner at the Presidency to be fit for use, a reward of One Rupee Eight Annas for each seer, shall, upon adjudication of the case, be awarded to the Officer or Officers who apprehended the offender, or seized the illicit articles; and the other half, or in the case of Opium as aforesaid, a reward of One Rupee Eight Annas for each seer shall be given

given to the Informer; and, if no fine is realized, the Board of Customs, Salt and Opium may grant such reasonable reward, not exceeding the sum of two hundred Rupees as may appear to them fit: and the Board of Customs, Salt and Opium may direct, by General Order, what class of Abkaree Officers shall receive rewards, and what classes shall have no title to share therein.

XXXIV. All fines levied under this Act, the disposal of which is not specially provided for, shall belong to Government; but the Board of Customs, Salt and Opium may grant any portion thereof, not exceeding one-half, as rewards to Informers, or as compensation to parties injured by any proceedings under this Act.

XXXV. No Writ of *Certiorari* shall be issued at the suit of any party out of the Supreme Court of Judicature, to supersede, stay, remove or in anywise affect any information or judicial proceeding before any Justice of the Peace, in pursuance of this Act; and no judgment thereupon shall be quashed, except for error of law apparent on the face of the judgment.

XXXVI. When any penalty or confiscation shall be adjudged by a Justice of the Peace under this Act, the Commissioner of Abkaree, and, in his absence, the Board of Customs, Salt and Opium, within one month after judgment given, may call for the proceedings of the case (with which requisition the Justice of the Peace shall be bound to comply) and, if he or they shall see cause, may direct that the seizure, or any part thereof, be restored, and may remit or mitigate any penalty, and discharge the party.

XXXVII. All actions and prosecutions to be commenced against the Collector or any Abkaree Officer, or any person acting in aid of any such Officer, for any thing done in pursuance of this Act, shall be commenced

menced within three Calendar months after the fact committed, and not afterwards; and notice in writing of such action and of the cause thereof shall be given to the Defendant one Calendar month at least before the commencement of the action; and no Plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if after action brought, a sufficient sum of money shall have been paid into Court, with costs, by or on behalf of the Defendant.

XXXVIII. The Collector, in respect of the duties to be performed by him, under this Act, shall have power to punish any contempt committed in his presence in open Cutcherry by fine, not exceeding two hundred Rupees, commutable, if not paid, to imprisonment in the Common Jail, for a period not exceeding one month: provided, that an appeal, from any order passed under this section, shall lie to the Commissioner of Abkaree, and, in his absence, to the Board of Customs, Salt and Opium; and the decision of the Commissioner or Board thereon shall be final.

Calcutta, 1849:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XII. OF 1849.

Passed by the Hon'ble the President in Council of India in Council, on the 11th August 1849, with the assent of the Most Noble the Governor General of India.

For improving the jurisdiction of the Sudder Adawlut of Bombay, and for amending Section XXXVI., Regulation II. 1827, of the Bombay Code.

WHEREAS the jurisdiction of the Sudder Adawlut of the Presidency of Bombay has been impaired by its removal to the Island of Bombay, within the jurisdiction of the Supreme Court of Judicature there, for remedy thereof, It is enacted as follows:

I. The Sudder Adawlut of the Presidency of Bombay, and the several Officers thereof shall have the same authority in all respects, and all persons may be proceeded against and punished for contempt or disobedience of the lawful orders of the Court, or for resistance to the lawful authority of any Officer in execution of any process or order of the Court, as if the Court were held in the Zillah nearest to the Island of Bombay.

II. The Acts and Orders of the said Sudder Adawlut, and of its Officers, in execution of any process or order of the Court, shall not be liable

liable to question in the Supreme Court of Judicature at Bombay, further or otherwise than they might severally be questioned in the said Supreme Court, if the said Sudder Adawlut were held in the Zillah nearest to the Island of Bombay.

III. Any Criminal Court having cognizance of any offence under Section XXXVI., Regulation II. 1827, of the Bombay Code, may issue a warrant under the hand of the Judge, or one of the Judges, and the seal of the Court, for the arrest of the person accused; and may commit him to gaol unless security be given to the satisfaction of the Court for his appearance to answer the charge.

IV. Offenders against Section XXXVI., Regulation II. 1827, of the Bombay Code, may be tried and punished for the offence, after they have ceased to belong to the establishment of the Court to which they belong at the time of committing the offence.

Calcutta, 1849 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XIII. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 18th of August 1849, with the assent of the Most Noble the Governor General of India.

To prevent the Smuggling of Salt into Calcutta.

FOR preventing the smuggling of Salt into Calcutta, It is enacted as follows:

I. The Governor of Bengal may establish as many Chokies as he shall deem necessary for preventing the smuggling of alimentary salt into the Town of Calcutta, and upon that part of the River Hooghly, which lies within the local Jurisdiction of the Supreme Court, and such Chokies shall be under the charge of an Officer to be styled "The Superintendent of Salt Chokies," who, in the exercise of his functions, shall be subject to the control of the Board of Customs, Salt and Opium.

II. The Superintendent may appoint Darogahs, Mohurrers, Jemadars, Burkundauzes, and other Officers to assist him in the discharge of his duties; and the Officers so appointed, beside their ordinary respective designations, shall be styled "Officers of Salt Chokies."

III. Excepting

III. Excepting salt imported by sea, and stored under bond, as provided by Act No. XXV. 1836, it shall not be lawful to import alimentary Salt into the Town of Calcutta, or to carry such Salt within the said Town, or upon the River Hooghly, as aforesaid, in excess of the quantity of ten seers of eighty tolahs to the seer, or to store such Salt within the said Town in quantities exceeding one maund, except under a Rowannah, or Special pass, from the Board of Customs, Salt and Opium, or a Charchittee, or Pass from the said Superintendent, to be granted under such rules, and on the payment of such fees, as the said Board shall direct.

IV. All alimentary Salt, found within the said Town, or upon the River Hooghly, as aforesaid, in contravention of this Act, shall be deemed contraband and liable to seizure and confiscation; and if several persons shall be found carrying Salt, unprotected by a Rowannah, or Charchittee, as aforesaid, in gangs, or companies, which Salt shall exceed in the whole quantity ten seers, such Salt shall be deemed contraband; but no Salt, found in store in any house or warehouse, shall be deemed to be contraband, unless, when the search is made, there shall be found more thereof than one maund, and the owner or person in charge shall be unable to account, satisfactorily, for the manner of its being found in his possession.

V. If any person shall carry, or attempt to carry, within the said Town, or upon the River Hooghly, as aforesaid, under a Rowannah, or Charchittee, a greater quantity of salt than shall be therein specified, the excess shall be deemed contraband, and if such excess is found to be more than one-fortieth part of the quantity so specified, the whole quantity shall be deemed contraband, and liable to seizure and confiscation; and the gomastah, or other person in charge of the Salt shall be liable to a fine of ten Rupees for every maund of Salt in excess of the quantity specified in the said document: and the excess shall be calculated

lated upon the whole despatch as provided in Section II., Regulation IV. 1832, of the Bengal Code.

VI. The provisions contained in Sections XXXVI. to XLVII., both inclusive, Regulation X. 1819, and in Regulation IV. 1832, of the Bengal Code, as to the preparation, currency, renewal, production, endorsement, delivering up and falsifying of Rowannahs, or other protective documents, shall be applicable within Calcutta, and on the River Hooghly as aforesaid.

VII. Whenever any Salt shall be seized as contraband, the vessels, packages and coverings, in which such Salt shall be found, and the animals and conveyances used in carrying it, shall also be liable to seizure and confiscation.

VIII. All persons in whose possession Contraband Salt shall be found, except in the case provided for by Section V. of this Act, shall be liable to a fine, calculated at a rate, not exceeding five Rupees for each maund, upon the quantity so found; and each one of a party of smugglers, or of the parties to the fraud on the Revenue, shall be liable to the whole fine.

IX. The Superintendent of Salt Chokies, and any of his Subordinate Officers, and any Officer of any other Department, whom the Governor of Bengal shall authorize in that behalf, may stop and detain any person removing, or carrying any Salt, without a Rowannah or Charchittee, or otherwise liable to confiscation under this Act; and may seize the Salt, with the vessels, packages and coverings, in which the Salt is found, and the animals and conveyances used in carrying it.

X. If the Superintendent has good reason to believe, either from information given by any of his Subordinate Officers or other person, to

be

be taken down in writing, or from his own knowledge, or from the proceedings in any other case, that Contraband Salt, exceeding in quantity one maund, is stored in any place, it shall be lawful for him, between sunrise and sunset, but always in the presence of a Constable, or other Officer of the Peace, to enter into every such place where any such Contraband Salt as aforesaid, is suspected to be stored, and to seize and carry away the same; and, in case of resistance, to break open any door, and to force and remove any other obstacle to such entry, search, seizure or removal as aforesaid; and to arrest and detain the owner or occupant of the premises, with all parties whom he suspects to be concerned in the unlawful storing whom he shall find on the premises: and if the Superintendent shall not be able to proceed in person to make the seizure he may, by warrant under his hand, empower any Officer of Salt Chokies, above the rank of a Jemadar of Peons, to make the same; and the Officer so authorized shall proceed in the same manner, and with the same powers, as above provided in respect of the Superintendent himself. Provided that, where there is ground to suspect that such Contraband Salt as aforesaid is concealed in any zenana, the Superintendent or Officer authorized as aforesaid, shall follow, as closely as may be the rules for the seizure of property so concealed, adopted by the Supreme Court of Judicature at Fort William.

XI. All Constables, and other Ministerial Officers of the Peace, are required to help the Superintendent and his Subordinate Officers, and other Officers authorized to make a seizure of Salt, in the due execution of this Act, upon notice given or request made by the Superintendent, or any such Officer. Any Officer, who, without lawful excuse, shall refuse or neglect to help as aforesaid, on being required to do so, shall be liable to a fine, not exceeding five hundred Rupees.

XII. Whenever a seizure of Salt in store, in any place, shall be made by the Superintendent, the facts of the seizure shall be recorded

in an Official proceeding to be placed on record in his Office; and if the seizure shall be made by a Subordinate Officer, such Officer shall report the circumstances, within twenty-four hours, to the Superintendent.

XIII. Every person, who shall maliciously give false information against any person for importing or transporting, or in respect of there being in any house or shop any Salt, in contravention of this Act, shall be liable to a fine, not exceeding five hundred Rupees, or to imprisonment in the Common Jail for a period, not exceeding six months, or both.

XIV. Every person, who shall obstruct or molest the Superintendent, or any Officer of Salt Chokies, or any Officer of another Department duly authorized to make a seizure of Salt, or any person acting in aid of the Superintendent, or any Officer, as aforesaid, in the due execution of this Act, shall be liable to a fine, not exceeding five hundred Rupees: and such person shall be further liable, if an affray or breach of the peace shall happen in consequence of his resistance, on conviction of the same before a competent tribunal, to such punishment as is prescribed by law for cases of affray and breach of the peace, in addition to the penalty above prescribed for resistance of process.

XV. Any Officer of Salt Chokies, or any Officer of another Department, duly empowered to make a seizure of Salt, who, without reasonable cause, shall delay carrying any person arrested, or any illicit articles seized, under this Act, to the Superintendent, or neglect to report the particulars of an arrest, seizure or search, within twenty-four hours thereafter, shall be liable to a fine, not exceeding two hundred Rupees.

XVI. Any Officer of Salt Chokies, or any Officer of another Department, as aforesaid, who shall vexatiously and unnecessarily seize the goods or chattels of any person, on the pretence of seizing or searching for

for Contraband Salt, or who shall vexatiously or unnecessarily arrest any person, or commit any other excess, not required for the execution of his duty, shall be liable to a fine, not exceeding five hundred Rupees.

XVII. Any Officer employed in the Salt Chokie Department, or any Officer of another Department, as aforesaid, who shall connive at the smuggling of Salt, or unlawfully release or connive at the escape of any person arrested under this Act, or act in a manner inconsistent with his duty, for the purpose of enabling any person to do any thing, whereby any of the provisions of this Act may be evaded or broken, or the revenue derived from Salt defrauded, shall be liable to a fine, not exceeding five hundred Rupees.

XVIII. Any Officer employed in the Department of Salt Chokies, or any Officer of another Department, as aforesaid, who shall ask or take any gratuity, not authorized by any law, or order of Government, or of the Board of Customs, Salt and Opium, in consideration of doing or of omitting to do any act in his official capacity, and any person, who shall offer a bribe to any such Officer, in order to induce such Officer to act in a manner inconsistent with his duty, shall be liable, for every such offence, to a fine, not exceeding five hundred Rupees.

XIX. Whenever the Superintendent shall arrest any person, or shall seize any Contraband Salt, he shall, with all convenient despatch, carry the person arrested, with the Salt, and any other chattels liable to confiscation, seized therewith, before any Justice of the Peace for the Town of Calcutta, and if the arrest or seizure shall be made by any of his Subordinate Officers, or other Officer duly empowered, such Officer shall immediately carry the person arrested, and the articles seized, to the Superintendent, who shall thereupon proceed as if the arrest, or seizure had been made by himself. Provided, that nothing in this section shall be construed to prevent the Superintendent from releasing any persons arrested,

arrested, or property seized, when he considers such persons or property to have been improperly arrested or seized.

XX. Whenever any Salt, or other chattels shall be seized by the Superintendent, or other duly authorized Officer, as liable to confiscation under this Act, such seizure shall, upon information exhibited by the Superintendent, be heard and determined in a summary way by such Justice of the Peace as aforesaid; and such Justice shall cause the persons, to whom such Salt, or other chattels belong, to be summoned to appear before him, and, upon their appearance or default, shall examine into the cause of the seizure thereof, and give judgment; and upon confiscation thereof shall issue his Warrant to the Superintendent for the disposal thereof, according to the orders of the Board of Customs, Salt and Opium.

XXI. Whenever any Salt, or other chattels shall be seized, as aforesaid, and no person shall appear before the Superintendent, within one calendar month, to claim the same, the Justice shall examine into the cause of the seizure, at a place and time of which notice shall have been given by the Superintendent in the *Calcutta Gazette*, and give judgment for the confiscation of such Salt and other chattels, as, upon such examination, shall appear to him confiscable; and, upon confiscation thereof shall issue his Warrant for the disposal of them, as if the owner had been summoned to attend the said Justice.

XXII. All fines, leviable under this Act, shall be adjudged by any Justice of the Peace for the Town of Calcutta, and the said Justice, upon information exhibited before him by the Superintendent, shall, with all convenient despatch, and not later than three calendar months after the act for which the fine may be demandable, summon the parties accused, and, upon their appearance or default, shall examine into the matter, and upon due proof made thereof, by the voluntary confession of the parties,

or by the oath or solemn affirmation, in cases wherein a solemn affirmation is receivable by law instead of an oath, of one or more credible witnesses, shall give judgment accordingly; and, in default of payment of any fine to which an offender is adjudged, he shall be liable, by order of the said Justice, to imprisonment in the Common Jail of Calcutta for a period not exceeding six months, or until the fine is sooner paid.

XXIII. Whenever any person shall be convicted before any Justice, of an offence against this Act, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment in the Common Jail, for a period not exceeding six months; and a like punishment of imprisonment, not exceeding six months, shall be incurred, in addition to the punishment, which may be inflicted for a first offence, upon every subsequent conviction after the second.

XXIV. One-half of all fines levied from persons convicted of the illicit importation, transportation or storing of Salt, and of the proceeds from sale of articles confiscated, shall, upon adjudication of the case, be awarded to the Officer, or Officers Subordinate to the Superintendent, or other duly authorized Officer of another Department, who apprehended the offender or seized the illicit articles; and the other half of all such fines and proceeds shall be given to the Informer; and if no fine is realized, the Board of Customs, Salt and Opium may grant such reasonable reward, not exceeding the sum of two hundred Rupees, as may appear to them fit; and such Officers and Informers shall further be entitled to the rewards specified in Section IV., Act No. IX. of 1835. Provided, that the Board of Customs, Salt and Opium may direct, by General Order, what classes of Officers of Salt Chokies shall receive rewards, and what classes shall have no title to share in them.

XXV. All

XXV. All fines, levied under this Act, the disposal of which is not specially provided for, shall belong to Government; but the Board of Customs, Salt and Opium may grant any portion thereof, not exceeding one-half, as rewards to Informers, or as compensation to parties injured by any proceedings under this Act.

XXVI. No Writ of *Certiorari* shall be issued at the suit of any party, out of the Supreme Court of Judicature, to supersede, stay, remove or in any wise affect any information, or judicial proceeding before any Justice of the Peace, in pursuance of this Act; and no judgment thereupon shall be quashed, except for error of law apparent on the face of the judgment.

XXVII. When any penalty or confiscation shall be adjudged by a Justice of the Peace under this Act, the Board of Customs, Salt and Opium, within one month after judgment given, may call for the proceedings of the case, (with which requisition the Justice of the Peace shall be bound to comply) and, if they shall see cause, may direct that the seizure, or any part thereof be restored, and remit, or mitigate the penalty and discharge the party.

XXVIII. All actions and prosecutions to be commenced against the Superintendent, or any Officer of Salt Chokies, or any Officer of another Department duly empowered to seize Contraband Salt, or any person acting in aid of the Superintendent, or other Officer, as aforesaid, for any thing done in pursuance of this Act, shall be commenced within three calendar months after the fact committed, and not afterwards; and notice in writing of such action, and of the cause thereof, shall be given to the Defendant, one calendar month at least before the commencement of the action; and no Plaintiff shall recover, in any such action, if tender of sufficient amends shall have been made before such action brought,

brought, or if after action brought a sufficient sum of money shall have been paid into Court, with costs, by or on behalf of the Defendant.

XXIX. The term alimentary Salt as used in this Act shall be held to include and apply to Noonchye, Puckwah, and every other kind of salt substance, used as a seasoning for food.

Calcutta, 1849 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XIV. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 25th August 1849, with the assent of the Most Noble the Governor General of India.

To punish tampering with the Army or Navy.

WHEREAS the laws in force for punishing mutiny and sedition do not sufficiently provide for the punishment of all persons endeavouring to stir up mutiny and sedition among the Forces of the East India Company, or to seduce them from their allegiance and duty, It is enacted as follows:

I. Every person, who maliciously and advisedly endeavours to seduce any person or persons, serving or engaged to serve in the Military or Naval Forces of the East India Company, from his or their allegiance to her Majesty, or duty to the said Company, or who endeavours to stir up any person or persons belonging to either of the said Services, to commit any act of mutiny, or to make or endeavour to make any mutinous assembly, or to commit any traitorous or mutinous practice whatsoever, shall, on conviction, suffer trans-

portation

portation for life, or imprisonment, with or without hard labour, for any term not longer than seven years, as the Court shall adjudge.

II. Any person charged with any offence, punishable under this Act, may be committed by any Magistrate within the territories under the Government of the East India Company, and shall be tried by the Court of Sessions, or if the offender be not within the ordinary jurisdiction of the Court of Sessions, by the Supreme Court of Judicature established by Royal Charter within the Presidency in which he is in custody.

III. No Court shall on the trial of any offence under this Act require any Futwa from any Law Officer.

IV. This Act shall not exempt any person governed by the Articles of War from being tried by a Court Martial, and punished according to the Articles of War, nor any person belonging to the Indian Navy from being tried by a Court Martial, and punished according to the laws for the observance of discipline in the Indian Navy; but no person shall be tried for the same offence under the said Articles or Laws, and also under this Act.

Calcutta, 1849 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XV. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 26th October 1849, with the assent of the Most Noble the Governor General of India.

An Act to amend the Law respecting the Stamped Material in use in the Presidency of Bombay.

WHEREAS it is inconvenient to specify particularly by law the stamped materials to be used in the Presidency of Bombay, It is enacted as follows:

I. Clause 1st, Section VI., Regulation XVIII., 1827, of the Bombay Code, is repealed.

Calcutta :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. I. OF 1850.

Passed by the Honorable the President of the Council of India in Council on the 11th January 1850, with the assent of the Most Noble the Governor General of India.

For confirming the title to lands in Calcutta taken for public purposes.

WHEREAS the execution of works of public usefulness in Calcutta is liable to be hindered by the difficulty in making a good title to the land taken for such purpose, It is enacted as follows:

I. The powers and provisions of the first seven Sections of Regulation I. 1824 of the Bengal Code, shall be applicable to all lands within the Town of Calcutta, which shall have been declared by the Governor of Bengal to be needed for any public purpose: and such declaration shall be conclusive evidence that the purpose for which the lands are needed is a public purpose.

II. In all cases in which payment of any part of the purchase or compensation money is reserved according to the Fifth Clause of Section VI. of the said Regulation, on account of any lands taken for any public purpose under this Act, the Government Securities mentioned in the said

said Clause shall be deposited with the Government Agent at Fort William in Bengal, in the name and with the privity of the Accountant General of Her Majesty's Supreme Court of Judicature at Fort William, to be placed by him to the credit of the persons interested in such lands, describing them as nearly as may be done according to the course of proceeding in the said Court in matters and causes depending before it in Equity.

III. The said Securities shall remain in the hands of the Government Agent, and the interest accruing thereon shall be, from time to time, received and paid under the order of the said Supreme Court to the person or persons for the time being, who would have been entitled to receive the rents and profits of the said lands, if the same had not been taken as aforesaid, until there shall be some person or persons absolutely entitled to receive the principal sum of the monies so reserved, and thereupon the said Government Securities, with all interest then due thereon, shall be transferred and paid to such person or persons under the like order of the said Court, and so long as no person can be found entitled to receive the interest of the said Government Securities, the Government Agent shall continue to receive, and, from time to time, to invest the accumulation of interest due thereon in the purchase of other Government Securities, to be held and applied by him on the same trusts as the Securities first purchased.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. II. OF 1850.

Passed by the Honorable the President of the Council of India in Council on the 11th January 1850, with the assent of the Most Noble the Governor General of India.

An Act to amend and extend to Madras and Bombay Act No. VII. 1849.

WHEREAS it is expedient to make new provisions for regulating the Administration of the Estates of British Subjects, dying intestate in the several Presidencies of Fort St. George and Bombay, It is enacted as follows:

I. Act No. VII. 1849 shall be extended, and apply to the several Presidencies of Fort St. George and Bombay, subject to the alterations, hereafter contained, as if, with reference to each of the said Presidencies such Presidency were named therein instead of Bengal and Fort William in Bengal; and the Governor of such Presidency in Council instead of the Governor General of India in Council, and the Chief Town of such Presidency, instead of Calcutta.

II. The Administrator General at Fort St. George and Bombay respectively, shall not cease to be Ecclesiastical Registrar of the Supreme Court

Court there by virtue of this Act; and the two Offices of Ecclesiastical Registrar and Administrator General may be held at Fort St. George or Bombay respectively, by the same person.

III. The altered rate of Commission, receivable by the Administrator General at Fort St. George and Bombay respectively, under Act VII. 1849 and this Act, shall not take effect until such alteration shall be directed by the Governor of Fort St. George and Bombay in Council respectively, until which several times the same rate of Commission, may be lawfully taken there by the Administrator General as might have been taken by the Ecclesiastical Registrar before the passing of this Act.

IV. It is and is declared to be a misdemeanour, punishable by fine and imprisonment, for any Administrator General, in any of the Presidencies of Fort William in Bengal, Fort St. George and Bombay, to trade or traffic for his own benefit, or for the benefit of any other person or persons whomsoever, unless so far as appears to him expedient for the due management of the Estates administered by him, and for the sole benefit of the several persons entitled to the proceeds of such Estates respectively, but this exception is not to be construed to alter the Civil liabilities of the Administrator General as trustee for the Estates administered by him.

Calcutta, 1850 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. III. OF 1850.

Passed by the Honorable the President of the Council of India in Council on the 11th January 1850, with the assent of the Most Noble the Governor General of India.

An Act for amending the Law concerning the jurisdiction of the Courts of Sudder Ameens and District Moonsiffs, in the Presidency of Fort St. George.

IN modification of Section II. of Act XI. 1836, It is enacted as follows:

I. After the passing of this Act, no person whatever shall, by reason of place of birth, or by reason of descent, be in any Civil proceeding whatever exempt from the jurisdiction of the Courts of the Sudder Ameens and District Moonsiffs, in the Territories subject to the Presidency of Fort St. George.

Calcutta, 1850 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. IV. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 15th February 1850, with the assent of the Most Noble the Governor General of India.

For the amendment of Procedure in Cases of Appeal to the Sudder Court.

WHEREAS inconvenience has resulted from the rule allowing petitions of Appeal to the Sudder Dewanny Adawlut from Judgments of Principal Sudder Ameens, or of the Judges of the Zillah or City Courts, to be presented either in the Sudder Court, or in the Court in which the decision was passed, and from the rule allowing the specific objections to the Judgment and detailed grounds and reasons for preferring the Appeal to be, at the option of the party, either stated in the original petition of Appeal, or afterwards filed in the Court trying the Appeal, as a separate pleading, It is enacted as follows, in modification of Section X., Regulation VI., 1793, Section III., Regulation XII., 1797, and Section VIII., Regulation XXVI., 1814, of the Bengal Code.

I. Every petition of Regular Appeal, in a case appealable to the Sudder Court, shall be presented to the Court in which the decision was passed, within six weeks from the day of the decision: such petition of Appeal shall contain only notice that the party, being dissatisfied with the Judgment, is desirous of appealing from it.

II. The

II. The proceedings held in the cause of Appeal shall be certified to the Sudder Dewanny Adawlut as soon as conveniently may be done; and notice thereof in writing shall be given to the Appellant.

III. Within three months after receipt of such notice the Appellant shall present to the Sudder Dewanny Adawlut the specific objections to the Judgment and detailed reasons for preferring the Appeal; otherwise it shall be dismissed, unless he shall show reasonable cause to the satisfaction of the Sudder Court for his default.

Calcutta, 1850:—Printed by J. C. Sherriff, Bengal Military Orphan Press.

ACT No. V. OF 1850.

Passed by the Governor General of India in Council on the 8th of March 1850.

An Act for freedom of the Coasting Trade of India.

WHEREAS by an Act of Parliament passed in the thirteenth year of the reign of Her Majesty, intituled An Act to amend the Laws in force for the encouragement of British Shipping and Navigation, it is enacted with regard to the Coasting Trade of India, that it shall be lawful for the Governor General of India in Council to make any regulations authorizing or permitting the conveyance of goods or passengers from one part of the possessions of the East India Company to another part thereof, in other than British Ships, subject to such restrictions or regulations as he may think necessary, It is enacted as follows:

I. Goods and Passengers may be conveyed from one part of the territories under the Government of the East India Company to another part thereof, in other than British Ships, without any restriction, other than is or shall be equally imposed on British Ships, for securing payment of duties of Customs or otherwise.

Calcutta:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. VI. OF 1850.

Passed by the Governor General of India in Council on the 15th of March 1850.

For enabling the Commander-in-Chief to pardon Military Offences.

WHEREAS the power of pardoning persons under sentence of a Court Martial, for offences which are not punishable by any other authority, may be entrusted to the Commander-in-Chief of the Military Forces in the service of the East India Company in each Presidency, but in all other cases ought to belong only to the Supreme Government, It is enacted as follows:

I. The Commander-in-Chief of the Military Forces in the service of the East India Company in each Presidency shall have power to pardon any person belonging to the said Forces, convicted by sentence of a Court Martial of any offence against the Articles of War framed for the government of the Native Officers and Soldiers in the Military service of the East India Company, which, wherever committed, is not punishable otherwise than by sentence of a Court Martial; or, instead of granting a full pardon to any such person, may remit any part of the punishment awarded for such offence.

II. In

II. In such cases, the Commander-in-Chief shall issue a Warrant under his hand, setting forth the offence, and a copy of the Warrant or other instrument by which the offender is kept in custody in execution of the sentence, and pardoning or remitting such part of the punishment awarded for the offence as to him shall seem fit.

III. The said Warrant shall be countersigned by the Magistrate of the Zillah, or City in which the offender is undergoing his sentence; or, if he is confined in any prison belonging to one of the Supreme Courts of Judicature established by Royal Charter, shall be countersigned by a Judge of such Court, if it shall appear to such Magistrate or Judge that the offence, wherever committed, is not punishable by any authority other than that of a Court Martial; but not otherwise.

IV. All Sheriffs, Gaolers, and other persons having custody, of any offender under sentence of a Court Martial, shall obey and give effect to any Warrant of the Commander-in-Chief, countersigned by a Magistrate, or Judge of the Supreme Court as aforesaid, for the pardon and release of any offender in their custody respectively, or for the remission of any part of his sentence.

Calcutta:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. VII. OF 1850.

Passed by the Governor General of India in Council on the 15th March 1850.

An Act for better defining the Law as to the removal of Prisoners.

WHEREAS, by the Regulations in force, prisoners may in certain cases be removed from one prison to another by special order of the Nizamut Adawlut or Fouzdaree Adawlut, and in other cases by the Governor or Governor in Council of the Presidency; and it is expedient that the Government should be empowered to direct such removal, in every case which appears necessary, without application to the Court for a special order, It is enacted as follows:

I. Act VIII. 1844, is repealed.

II. When any person is under sentence of imprisonment, within the territories under the Government of the East India Company, by any authority other than that of one of the Supreme Courts of Judicature established by Royal Charter, the Governor or Governor in Council, or other person administering the Government of the Presidency or place,

place, may order the removal of such prisoner from the prison, or place, in which he is confined, to any other public prison or place of confinement within the same Presidency or Government.

III. The time of removal from one prison to another, or while the prisoner is in custody under such warrant of removal, shall reckon as part of his imprisonment.

Calcutta:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. VIII. OF 1850.

Passed by the Governor General of India in Council on the 15th March 1850.

An Act to amend the law for enabling Zillah and City Judges and Principal Sudder Ameens, in certain cases of Appeal, to confirm the decision without summoning the Respondent.

WHEREAS, it will lessen the delay and expense of Appeals, if the powers possessed by Zillah and City Judges of confirming decisions on certain Appeals without serving any notice on the Respondents, are extended to Principal Sudder Ameens, It is enacted as follows :

I. The powers given to Zillah and City Judges, by Clause Third, Section XVI. of Regulation V. 1831 of the Bengal Code, are extended to Principal Sudder Ameens, in all Appeals referred to them.

II. Every Judge and Principal Sudder Ameen who shall confirm any decision under the said Regulation, or this Act, without giving notice to the Respondent, shall record his reasons for rejecting the Appeal.

Calcutta :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. IX. OF 1850.

Passed by the Governor General of India in Council on the 15th of March 1850.

An Act for the more easy Recovery of Small Debts and Demands in Calcutta, Madras and Bombay.

WHEREAS it is expedient to amend the constitution and practice, and to extend the jurisdiction, of the several Courts established at Calcutta, Madras and Bombay, for the Recovery of Small Debts, It is enacted as follows:

I. The several Courts of Commissioners and of Requests, for the Recovery of Small Debts, now holden in the Towns of Calcutta, Madras and Bombay, under the authority of the Charter of Justice of King George the Second, and of two Acts of Parliament, severally passed in the thirty-seventh year and fortieth year of the reign of King George the Third, and of the Regulations and Proclamations made, from time to time, for constituting and for new-modelling, altering and reforming the constitution and practice of the said Courts respectively, and of Act XII. 1848, shall be holden according to the provisions of this Act, from and after such several days as shall be declared within the said Towns by

 proclamation,

proclamation, to be made and published in due form of law in each of the said Towns by the Governor in Council.

II. Where in this Act the words "Governor in Council," or "Supreme Court," are used, they shall be taken to apply severally to the person or persons administering the executive Government, and to the Supreme Court, established under Royal Charter of each of the Presidencies of Fort William in Bengal, Fort St. George and Bombay, with reference only to the Court holden under this Act, in the same Presidency.

III. From and after the day declared in any such proclamation, all provisions of the said Charter of Justice, and Acts of Parliament, and of any Regulation, Act or Proclamation heretofore made concerning the constitution or practice of the Court, referred to in such proclamation, shall be rescinded and repealed.

IV. The style of the several Courts holden under this Act shall be the ( ) Court of Small Causes, inserting in the blank space, Calcutta, Madras or Bombay, as the case requires.

V. The jurisdiction of the several Courts, holden under this Act, shall extend over the whole district now within the jurisdiction thereof respectively, and over such further district as may, from time to time, be declared by proclamation of the Governor in Council: provided, that no proclamation for extending the district of any of the said Courts be made without the previous sanction of the Governor General of India in Council.

VI. Every Court holden under this Act shall be a Court of Record, and shall be deemed a Court of Requests within the meaning of Act VII. 1841, Section VI.

VII. All

VII. All proceedings commenced in any of the said Courts, before the time when the constitution and practice of such Court shall be altered under this Act, may be continued, executed and enforced against all persons liable thereunto, in the same manner as if they had been commenced according to this Act: and each of the said Courts shall be empowered in any case of doubt as to the proper manner of continuing, executing or enforcing any such proceedings, to make such orders thereon as shall appear to the Court to be necessary for giving full effect to this enactment.

VIII. The Governor in Council shall appoint as many persons as are necessary not exceeding three to be Judges of the Court, one of whom shall be a Barrister at Law, or Advocate of one of the Supreme Courts of India, or of the Court of Session in Scotland.

IX. No Judge appointed under this Act shall, during his continuance as such Judge, practise as an Advocate, Attorney or Vakeel in any of the Queen's Courts, or in any Court of the East India Company, or trade or traffic for his own benefit, or for the benefit of any other person, or be the partner of any person so practising, trading or trafficking.

X. The Governor General of India in Council may remove any such Judge on the application of the Governor in Council.

XI. Any Judge or Judges of the Supreme Court of Judicature, who shall consent to aid in the execution of this Act, may exercise all the powers of a Judge appointed under this Act, and suits may be tried by him sitting in the Supreme Court under this Act, in like manner as if he were a Judge of the Court of Small Causes, and no appointment of a Judge under this Act shall be made, while it appears to the Governor in Council

Council that the whole business of the Court can be transacted by the Judges of the Supreme Court so consenting to act.

XII. The duties herein directed to be performed by the Clerk and Bailiffs respectively of the Court of Small Causes, shall be performed in such cases as are tried by a Judge of the Supreme Court, by such Ministerial Officers of the Supreme Court as shall be, from time to time, appointed by the said Judge of the Supreme Court for that purpose, and the persons so appointed shall have all the powers and protections by this Act given to the Clerk and Bailiffs of the Court of Small Causes respectively, and shall receive such remuneration for their services out of the fees received in the causes tried by a Judge of the Supreme Court as he shall deem reasonable, and the residue shall form part of the general fund of the Court of Small Causes.

XIII. There shall be a Clerk for every Court holden under this Act, whom the Judges of the Court shall appoint, subject to the approval of the Governor in Council, and may remove, subject to the like approval: if necessary, additional Clerks may be appointed with the sanction of the Governor in Council.

XIV. The Clerk of each Court shall issue all summonses, warrants, precepts and writs of execution, and keep an account of all proceedings of the Court, and shall take charge of, and keep, an account of all Court fees, and fines payable or paid into Court, and of all monies paid into, and out of Court, and shall enter an account of all such fees, fines and monies in a book belonging to the Court, to be kept by him for that purpose, and shall monthly, or at such other times as shall be directed by the Governor in Council, submit his accounts to be audited or settled in such manner as the Governor in Council, from time to time, shall direct.

XV. The

XV. The Judges of every such Court shall, from time to time, appoint a sufficient number of persons to be Bailiffs of the Court, not exceeding the number, from time to time, allowed by the Governor in Council, and may at their pleasure suspend or dismiss any Bailiff so appointed.

XVI. The Bailiffs shall attend every sitting of the Court, for such time as shall be required by the Judges, and shall serve all the summonses and orders, and execute all the warrants, precepts and writs, issued out of the Court; and shall, in the execution of their duties, conform to all such general rules as shall be, from time to time, made for regulating the proceedings of the Court.

XVII. Every Clerk, or other Officer of any such Court, who shall, by himself or by any partner, or in any way, directly or indirectly, be concerned or act as Attorney, or Vakeel, or be concerned in any trade or profession on his own account, or for any other person, shall forfeit and pay the sum of Five Hundred Rupees to any person who shall sue for the same in the Supreme Court by action of debt or on the case.

XVIII. The Clerk and Bailiffs shall give security for such sum, and in such manner and form, as the Governor in Council, from time to time, shall order, for the due performance of their several offices, and for the due accounting for and payment of all monies received by them under this Act, or which they may become liable to pay for any misbehaviour in their office.

XIX. There shall be payable in the Courts holden under this Act the fees set forth in the annexed Schedule beside the sum of Two Annas in the Rupee on the amount of the sum claimed, which fees shall be paid over to an account to be termed the General Fund of the Court.

XX. The ratable fee or commission shall be paid by the plaintiff before the summons issues; the other fees on every proceeding shall be paid in the first instance by the plaintiff or party on whose behalf such proceeding is to be had, on or before such proceeding: if the plaintiff recovers a less sum than he has demanded, the defendant shall not, in any case, be required to repay to him more than the fees and commission calculated upon the sum recovered. If the case is settled by agreement of the parties, before hearing, half the amount of the fees paid up to that time shall be returned to the parties by whom they have been severally paid. The Judges of the said Court may at their discretion grant summons to poor plaintiffs without deposit, or with a partial deposit of fees and commission, and also may remit costs wholly or partially to poor suitors.

XXI. The Governor in Council may, at any time, lessen the amount of the fees to be taken in the Courts holden under this Act in such manner as to him shall seem fit, and may again increase such fees, so that the scale of fees given in this Act be not in any case surpassed.

XXII. The Governor in Council shall, from time to time, make such rules as to him shall seem meet for securing the balances, and other sums of money in the hands of any Officers of every Court holden under this Act, and for the due accounting for and application of all such balances and other sums of money.

XXIII. The Courts shall sit daily, except on Sundays, Christmas-day and Good Friday, and on Native or other Holidays, which the Governor in Council shall direct the Court to observe; and each of the Judges may sit apart from the others or with either of them, at the same time or at different times; and any one or two of the said Judges so sitting apart shall have all the judicial authority, which is herein given to all the Judges.

XXIV. A Seal

XXIV. A Seal shall be made for every Court holden under this Act, under the direction of the Governor in Council, and all summonses and other process issuing out of the Court shall be sealed or stamped with the Seal of the Court; and every person, who shall forge the seal or any process of the Court, or who shall serve or enforce any such forged process, knowing the same to be forged, or deliver or cause to be delivered to any person any paper falsely purporting to be a copy of any summons, or other process of the said Court, knowing the same to be false, or who shall act or profess to act under any false colour or pretence of the process of the said Court, shall be guilty of felony.

XXV. All suits, where the debt or damage claimed or value of the property in dispute is not more than Five Hundred Rupees, whether on balance of account or otherwise, may be brought in the Court of Small Causes; and all such suits brought in the said Court shall be heard and determined in a summary way, and every defence which would be deemed good in the Supreme Court sitting as a Court of Equity shall be a good bar to any legal demand in the Court of Small Causes. Provided always, that the Court shall not have jurisdiction in any matter concerning the revenue, or concerning any Act ordered or done by the Governor, or Governor General, or any Member of the Council of India, or of any Presidency, in his public capacity, or done by any person by order of the Governor General or Governor in Council, or concerning any act ordered or done by any Judge or Judicial Officer in the execution of his office, or by any person in pursuance of any judgment or order of any Court, or any such Judge or Judicial Officer, or in any suit for libel or slander.

XXVI. On the application of any person desirous to bring a suit under this Act, the Clerk of the Court shall issue, under the seal of the Court a summons which shall be numbered, and shall set forth the names

of

of the plaintiff and defendant, the cause of action with such particulars as shall be, from time to time, directed by the Rules of the Court, and the amount sued for, and shall be served on the defendant, so many days before the day on which the Court shall be holden at which the cause is to be tried as shall be directed by the rules for regulating the practice of the Court; and delivery of such summons to the defendant, or in such other manner as shall be specified in the rules of practice, shall be deemed good service; and no misnomer or inaccurate description of any person or place in any such summons shall vitiate the same, if the person or place be therein described so as to be commonly known.

XXVII. No misstatement of the cause of action in the summons issued under this Act shall vitiate the same, and the Judges of the Court may, in their discretion, rectify such misstatement as soon as discovered, and alter the record accordingly; and if the defendant, or one of the defendants be present in Court at the time of such discovery, the hearing of the cause after the record shall have been so altered, shall be proceeded with as if no such misstatement had happened, but in the absence of the defendant or of all the defendants a new summons of the same number and date as the original summons shall be issued with the altered statement of the cause of action.

XXVIII. All persons shall be deemed within the jurisdiction of the Court, who dwell or carry on their business or work for gain within the district of the Court at the time of bringing the action, or who did so dwell or carry on their business or work therein at the time when the cause of action arose, or within six months before the time of bringing the action for causes of action which arose within the same time.

XXIX. Any summons or other process of any of the said Courts, service of which is needed out of the district of the Court, may be exhibited

bited in any Court of Law, or before any Magistrate, and shall be thereupon endorsed by the Magistrate or Judge of such Court; and, when so endorsed, may be served in like manner as any order or process from such Court or Magistrate; and such service shall be as valid as if the same had been made by the Bailiff of the Court out of which such summons or other process shall have issued within the jurisdiction of the Court for which he acts.

XXX. Service of any summons or other process of the Court, which shall require to be served out of the district of the Court, may be proved by affidavit, or solemn affirmation, purporting to be sworn or made before any Judge or Magistrate; and, in every case of the unavoidable absence of the Bailiff by whom any summons or other process of the Court has been served, the service of such summons or other process may be proved, if the Judges think fit, in the same manner as a summons served out of the district of the Court.

XXXI. Any minor may prosecute a suit in any Court holden under this Act for any sum of money not greater than Five Hundred Rupees, which may be due to him for wages or piecework, or for work as a servant, in the same manner as if he were of full age.

XXXII. The jurisdiction of the Court shall extend to the recovery of any demand, not exceeding the sum of Five Hundred Rupees, which is the whole or part of the unliquidated balance of a partnership account, or the amount or part of the amount of a distributive share under an intestacy, or of any legacy under a will.

XXXIII. Any Executor or Administrator may sue and be sued in any Court holden under this Act, in like manner as if he were a party in his own right; and judgment and execution shall be such as in the like

case would be given or issued in the Supreme Court in the like case: but no Executor or Administrator shall be summoned in that capacity within six months after the death of the person, whose Executor or Administrator he is.

XXXIV. A plaintiff shall not be allowed to divide any cause of action, for the sake of bringing two or more suits in any of the said Courts; but any plaintiff, having cause of action for more than Five Hundred Rupees, may abandon the excess, which shall be entered in the record, and stated in the summons, and thereupon the plaintiff shall, on proving his case, recover to an amount not exceeding Five Hundred Rupees; and the judgment of the Court shall be in full discharge of all demands in respect of such cause of action; and entry of the judgment shall be made accordingly.

XXXV. The Governor General and Members of the Supreme Council of India, the Governors and Members of Council of the Presidencies of Fort William in Bengal, Fort St. George and Bombay respectively, and the Chief Justices and Judges of the Several Supreme Courts established therein by Royal Charter, shall not be liable to arrest or imprisonment by process issuing out of any Court holden under this Act, and no writ or process shall be sued out of the said Court against any of the persons privileged by Act I. 1844, or Act XVIII. 1848, without the consent of the Governor in Council.

XXXVI. Where any plaintiff shall have any demand recoverable under this Act, whether founded on contract or wrong, against two or more persons jointly answerable, it shall be sufficient if any of such persons be served with process, and judgment may be obtained and execution issued against the person or persons so served, notwithstanding that others, jointly liable, may not have been served or sued, or may not be within

within the jurisdiction of the Court; and every such person against whom judgment shall have been obtained under this Act, and who shall have satisfied such judgment, shall be entitled to demand and recover in the Court, holden under this Act, contribution from any other person jointly liable with him; and in all cases of misjoinder of defendants, the Judges may order the suit to proceed against such of the defendants only against whom cause of action appears, and may give judgment against them only; giving also judgment for costs for the defendants improperly joined.

XXXVII. The Judges of the Court shall be empowered to determine all questions as well of fact as of law or equity, as administered in the Supreme Court, in all cases which they have authority to try.

XXXVIII. On the day in that behalf named in the summons, the plaintiff shall appear, and thereupon the defendant shall be required to appear to answer; and on answer being made in Court, the Judges shall proceed in a summary way to try the cause, and give judgment, without further pleading or formal joinder of issue.

XXXIX. A defendant, having any cause of action against the plaintiff, whether or not the same exceeds Five Hundred Rupees, shall be entitled to set the same against the plaintiff's demand, and if judgment is given in such case for the plaintiff, shall be entitled to sue the plaintiff for the balance only of his original demand, after deducting the amount of debt or damages and costs recovered against him under this Act.

XL. The Judges may, in any case, with the consent of both parties to the suit, order the same, with or without other matters within the jurisdiction of the Court in dispute between such parties, to be referred to arbitration, to such person or persons, and in such manner, and on such

such terms as they shall think reasonable and just; and such reference shall not be revocable by either party, except by consent of the Judges; and the award of the arbitrator or arbitrators or umpire shall be entered as the judgment in the cause, and shall be as binding and effectual to all intents, as if given by the Judges; provided, that the Judges may, if they think fit, on application to them at the first Court held after the expiration of one week, after the entry of such award, set aside any such award, or may, with the consent of both parties, revoke the reference, or order another reference to be made in the manner aforesaid.

XLI. The Judges of each Court, holden under this Act, subject to the approval of the Judges of the Supreme Court, shall have power to make and issue all the general rules for regulating the practice and proceedings of the Court, and also to frame forms for every proceeding in the Court for which they shall think it necessary that a form be provided, and also for keeping all books, entries and accounts to be kept by the Clerk of the Court, and, from time to time, to alter any such rule or form; and the rules so made and the forms so framed, shall be observed and used in the Court of that Presidency, and shall be sent to the Supreme Court for approval, but shall be of force until disapproved; and in any case, not expressly provided for herein, or by the said rules, the general principles of practice in the Supreme Court may be adopted and applied, at the discretion of the Judges, to actions and proceedings in their Court.

XLII. If, upon the day of the return of any summons, or at any continuation or adjournment of the said Court, or of the cause for which the said summons shall have been issued, the plaintiff shall not appear, the cause shall be struck out; and if he shall appear, but shall not make proof of his demand to the satisfaction of the Court, the Judges may nonsuit the plaintiff or give judgment for the defendant; and, in either case, where the defendant shall appear and shall not admit the demand,

may

may award to the defendant, by way of costs and satisfaction for his trouble and attendance, such sum as they, in their discretion, shall think fit; and such sum shall be recoverable from the plaintiff by such ways and means as any debt or damage ordered to be paid by the same Court can be recovered: provided always, that if the plaintiff shall not appear when called upon, and the defendant, or some one duly authorized on his behalf, shall appear, and admit the cause of action to the full amount claimed, and pay the fees payable in the first instance by the plaintiff, the Court, if it shall think fit, may proceed to give judgment, as if the plaintiff had appeared.

XLIII. If on the day so named in the summons, or at any continuation or adjournment of the Court, or cause in which the summons was issued, the defendant shall not appear or sufficiently excuse his absence, or shall neglect to answer when called in Court, the Judges, upon due proof of service of the summons, may issue a writ of attachment to compel the appearance of the defendant; or, in their discretion, may proceed to the hearing or trial of the cause on the part of the plaintiff only; and the judgment thereupon shall be as valid as if both parties had attended; provided always, that the Judges in any such case, at the same or any subsequent Court, may set aside any judgment so given in the absence of the defendant, and the execution thereupon; and may grant new trial of the cause, upon such terms, as to payment of costs, giving security for debt or costs, or otherwise, as they think fit, on sufficient cause shown to them for that purpose.

XLIV. The Judges may, in any case, make orders for granting time to the plaintiff or defendant to proceed in the prosecution or defence of the suit, and also may, from time to time, adjourn any Court or the hearing or further hearing of any cause, in such manner as to them may seem fit.

XLV. The

XLV. The defendant in any action brought under this Act, for the recovery of money, whether for debt or damages, within such time as shall be directed by the rules for regulating the practice of the Court, may pay into Court such sum of money as he shall think a full satisfaction for the demand of the plaintiff, with the costs incurred by the plaintiff up to the time of such payment; and the said sum of money shall be paid to the plaintiff; but, if he shall elect to proceed, and, if the plaintiff shall recover no further sum in the action than shall have been so paid into Court, the plaintiff shall pay to the defendant the costs incurred by him in the said action after such payment; and such costs shall be settled by the Court, and an order shall thereupon be made by the Court for the payment of such costs by the plaintiff.

XLVI. On the hearing or trial of any action or any other proceeding under this Act the parties thereto, their wives, and all other persons, may be examined, on behalf of either the plaintiff or defendant, subject nevertheless to the Acts and Regulations in force, with respect to the examination of women of a rank and situation in life, which, according to the customs of the country, would render it improper to compel them to appear in a Court of Justice.

XLVII. Every person shall be examined on oath, or when exempt by law from taking an oath in any Court of Justice, on solemn affirmation, and every person, who, in any examination upon oath or solemn affirmation under this Act, shall wilfully and corruptly give false evidence, shall be deemed guilty of perjury.

XLVIII. Either of the parties to the suit or any other proceeding under this Act may obtain, at the office of the Clerk of the Court, summonses to witnesses, with or without a clause requiring the production

production of books, deeds, papers and writings in their possession or control, and in any such summons any number of names may be inserted.

XLIX. Every person, on whom any such summons shall have been served, either personally or in such other manner as shall be directed by the general rules or practice of the Court, and who shall refuse or neglect, without sufficient cause, to appear, or to produce any books, papers or writings required by such summons to be produced, and also every person present in Court, who shall be required to give evidence, and who shall refuse to be sworn and give evidence, shall forfeit and pay such fine, not exceeding One Hundred Rupees, as the Judges shall set on him; and the whole or any part of such fine, in the discretion of the Judges, after deducting the costs, may be applied towards indemnifying the party injured by such refusal or neglect.

L. The Judges of any Court established under this Act, in all suits where the debt or demand exceeds the sum of Thirty Rupees, upon proof before them, that any defendant against whom a summons has been taken out, conceals himself from, or otherwise evades process of the Court, or is disposing of his property and effects with intent to defraud the plaintiff, or his creditors generally, or is about to withdraw his person or effects from the jurisdiction of the Court, may issue a warrant for the apprehension of such person, and may commit him to gaol until he shall find security for his appearance in the said Court from time to time, until judgment shall be pronounced in the suit commenced by such summons, and for payment of the amount and the costs which may be decreed against him therein.

LI. Payment of any fine imposed by any Court under the authority of this Act may be enforced upon the order of the Judges, in like manner

manner as payment of any debt adjudged in the said Court, and shall be accounted for as herein provided.

LII. All the costs of any action or proceeding in the Court, not herein otherwise provided for, shall be paid by or apportioned between the parties, in such manner as the Judges shall think fit; and, in default of any special direction, shall abide the event of the action; and execution may issue for the recovery of any such costs, in like manner as for any debt adjudged in the said Court.

LIII. Every order and judgment of any Court holden under this Act, except as herein provided, shall be final and conclusive between the parties; but the Judges shall have power to nonsuit the plaintiff, in every case in which satisfactory proof shall not be given to them, entitling either the plaintiff or defendant to the judgment of the Court; and shall also in every case whatever have the power, if they shall think fit, to order a new trial to be had, upon such terms as they shall think reasonable, and in the meantime to stay the proceedings.

LIV. No cause commenced in any Court, holden under this Act, shall be removed from the said Court into the Supreme Court by any writ or process, unless the debt or damage or value of the property claimed exceeds One Hundred Rupees, and then only by leave of a Judge of the said Supreme Court on proof to his satisfaction that some question of law or equity is likely to arise therein, which, by reason either of its difficulty, novelty or general importance, or of some erroneous course of decision on the same point in the Court of Small Causes may appear to him fit to be tried in the Supreme Court, and upon such terms as to payment of costs, giving security for debt or costs, or otherwise, as he shall think fit.

LV. The

LV. The Judges of the Court of Small Causes may, in their discretion, reserve any question of law or equity on which they entertain doubts, or which they shall be requested by either party to the suit to reserve, for the opinion of the Judges of the Supreme Court, and shall give judgment contingent upon the opinion of the said Supreme Court on a case which they shall thereupon be entitled to state to the said Court. If only two Judges sit together, and shall differ in opinion, the question, on which they differ shall be so referred.

LVI. The Judges may make orders concerning the time or times, and by what instalments, any debt or damages or costs, for which judgment shall be obtained in the said Court, shall be paid; and all such monies shall be paid into Court, unless the Judges shall otherwise order.

LVII. If there be cross judgments between the parties, execution shall be taken out by that party only, who shall have obtained judgment for the larger sum, and for so much only as shall remain after deducting the smaller sum; and satisfaction for the remainder shall be entered, as well as satisfaction on the judgment for the smaller sum; and, if both sums shall be equal, satisfaction shall be entered upon both judgments.

LVIII. Whenever the Court shall have made an order for the payment of money, the amount shall be recoverable, in case of default or failure of payment thereof forthwith, or at the time or times and in the manner directed, by execution against the body or the goods and chattels of the person against whom such order is made without further notice or order; and the Clerk of the said Court, at the request of the person prosecuting such order, shall issue under the seal of the Court a writ of execution to one of the Bailiffs of the Court, which shall be his warrant to take the body of such person in execution, or to levy, or cause to be

levied, by distress and sale of the goods and chattels of such person such sum of money as shall be so ordered, wheresoever they may be found within the district of the Court, and also the costs of the execution; and all Constables and other Peace Officers within their several jurisdictions shall aid in the execution of every such writ.

LIX. If the Court shall have made any order for payment of any sum of money by instalments, execution upon such order shall not issue until after default in payment of some instalment according to such order; and execution or successive executions may then issue without further notice or order for the whole of the said sum of money and costs then remaining unpaid, or for such portion thereof as the Court shall order, either at the time of making the original order, or at any subsequent time under the seal of the Court.

LX. Whenever any warrant shall issue for taking in execution the body of any person under this Act, the Bailiffs of the Court shall be empowered, by virtue thereof, to take and convey him to any prison, appointed by the Governor in Council to be the prison of the Court, there to remain for such term as shall be directed by the warrant, not longer than six calendar months, or until he shall sooner perform the order of the Court.

LXI. No person shall be imprisoned twice under the same judgment, nor shall execution against the body and goods issue at the same time under the same judgment.

LXII. Every person suing out a warrant of execution against the body of any other person under this Act shall deposit with the Clerk of the Court, at the time of the issue of the warrant, diet money for one week, after the rate of one anna and a half for each day, which shall be

paid

paid by the Clerk to the Keeper of the Prison at the time of the execution of the warrant.

LXIII. Notice of the execution of every such warrant shall be forthwith given to the person at whose suit it issued, who shall thereupon deposit with the Keeper of the Prison, diet money for the remainder of the month in which the warrant is executed, after the same daily rate, and shall continue thereafter to deposit monthly with the said Keeper, in advance, diet money at the same daily rate, for each month which the debtor is liable to be kept in prison at his suit.

LXIV. The diet money shall be employed for the subsistence of the prisoner; and if, by default of the detaining creditor, such diet money is not paid, the prisoner shall be entitled to his discharge by order of the Court.

LXV. All diet money, which shall be spent in providing subsistence for any prisoner, shall be costs in the cause, and all diet money, which shall not be so spent, shall be repaid to the creditor advancing the same.

LXVI. Whenever any prisoner shall offer good and reasonable security for payment of any debt or damage and costs, either in full or by instalments as the Court shall think reasonable, the Court may order him to be discharged on giving such security.

LXVII. Upon payment of the debt or damage and costs in full, the prisoner shall be entitled to be forthwith discharged.

LXVIII. If the debt or damage and costs are not paid, the imprisonment shall not extinguish the liability to pay the same; but all property

property then belonging to or afterwards acquired by the prisoner shall be liable to be taken in execution after his discharge from prison for satisfaction thereof, or of so much thereof as is not paid, including the diet money actually expended for subsistence of the prisoner.

LXIX. Every Bailiff executing any process of execution issuing out of the said Court against the goods of any person, may, by virtue thereof, seize and take any of the goods of such person, (excepting the necessary wearing apparel and bedding of such person or his family, and the tools and implements of his trade,) and may also seize and take any money or Bank-notes, and any cheques, bills of exchange, promissory notes, bonds, specialties or securities for money belonging to any such person against whom any execution shall have issued as aforesaid.

LXX. The Bailiff shall forthwith deliver any cheques, bills of exchange, promissory notes, bonds, specialties or other securities for money, which shall have been so seized or taken as aforesaid, to the Clerk or other person appointed by the Judges to receive the same, who shall hold them as a security or securities for the amount directed to be levied by such execution, or so much thereof as shall not have been otherwise levied or raised for the benefit of the plaintiff; and the plaintiff may sue in the name of the defendant, or in the name of any person in whose name the defendant might have sued, for the recovery of the sum or sums secured, or made payable thereby, when the time of payment thereof shall have arrived.

LXXI. If it shall, at any time, appear to the satisfaction of the Court that any defendant is unable, from sickness or other sufficient cause, to pay and discharge the debt or damages recovered against him, or any instalment thereof ordered to be paid as aforesaid, the Judges, in their discretion, may suspend or stay any judgment, order or execution given,

given, made or issued in such action, for such time and on such terms as they shall think fit, and so, from time to time, until it shall appear by the like proof as aforesaid that such temporary cause of disability has ceased.

LXXII. No sale of any goods, which shall be taken in execution as aforesaid shall be made, until after the end of five days at least next following the day on which such goods have been so taken, unless such goods be of a perishable nature, or upon the request, in writing, of the party whose goods have been taken.

LXXIII. Until such sale, the goods shall be deposited by the Bailiff by whom they were taken in some fit place, or they may remain in the custody of a fit person approved by the Judges to be put in possession by the Bailiff.

LXXIV. The Judges, from time to time, as they shall think proper, may appoint such and so many persons for keeping possession, and so many of their Bailiffs or other fit persons to be sworn brokers and appraisers for the purpose of selling or valuing any goods, chattels or effects taken in execution under this Act, as shall appear to them to be necessary, and may direct security to be taken from each of them, for such sum and in such manner as they shall think fit, for the faithful performance of their duties, without injury or oppression; and the Judges may dismiss any person, broker or appraiser so appointed.

LXXV. No goods taken in execution under this Act shall be sold for the purpose of satisfying the warrant of execution; except by one of the brokers or appraisers so appointed.

LXXVI. The costs to be demanded or taken for such appraisement and sale, shall be One Anna in the Rûpee on the produce of the goods

sold; and the Judges may apply the sum so raised as costs towards payment of the contingent charges and remuneration of the said brokers and appraisers, in such manner as shall be approved by the Governor in Council.

LXXVII. The Clerk of the Court shall keep an account of all sums received upon such sales, distinguishing the amount paid to the party entitled to the benefit of the execution, and the amount levied and retained as costs, and also of all sums allowed to the brokers and appraisers upon such sales.

LXXVIII. Whenever any defendant against whom judgment shall have been given in the Court of Small Causes, shall go before execution thereof out of the jurisdiction of the Court, the Judge of any Zillah or Town where he shall be found, upon receiving from the plaintiff, either in person or by vakeel, an application in writing setting forth these facts, with a duly authenticated copy of the judgment of the Court, shall execute the said judgment in the manner prescribed by law for execution of his own decrees; unless the defendant shall allege any reasonable cause, why the judgment should not be executed, and shall give security to such amount as the Judge of such Zillah or Town shall deem reasonable, that he will, within such time as shall be allowed him for that purpose, either satisfy the judgment or produce a duly authenticated copy of an order of the Judges of the Court of Small Causes, discharging their former judgment.

LXXIX. No judgment or execution shall be stayed, delayed or reversed upon or by any writ of error or *supersedeas* thereon, to be sued for the reversing of any judgment given in any Court holden under the provisions of this Act, unless the amount recovered exceeds One Hundred Rupees, and then only after the person suing out such writ shall

shall become bound with two sufficient sureties to be approved by the Clerk of the Court, in treble the sum adjudged to be recovered in the former judgment, to prosecute the said writ with effect, and also to satisfy and pay (if the writ be not prosecuted, or if the judgment be affirmed), the debt or damages and costs adjudged, and all costs and damages to be awarded for the delay of execution.

LXXX. Upon every warrant of execution issued against the goods and chattels of any person, the Clerk of the Court shall cause to be stated the sum of money and costs adjudged with the sum paid for such warrant; and if the party against whom such execution shall be issued shall, before an actual sale of the goods and chattels, pay or cause to be paid or tendered unto the Clerk of the Court, or to the Bailiff holding the warrant of execution such sum of money and costs, as aforesaid, or such part thereof as the person entitled thereto shall agree to accept in full of his debt or damages and costs, together with the fees herein directed to be paid, the execution shall be superseded, and the goods and chattels of the said party shall be discharged and set at liberty.

LXXXI. The Clerk of every Court holden under this Act shall cause a record of all summonses, and of all orders, and of all judgments and executions, and returns thereto, and of all fines, and of all other proceedings of the Court, to be fairly entered, from time to time, in a book or books belonging the Court, which shall be kept at the Office of the Court; and shall be duly authenticated by one or more of the Judges; and such entries in the said book or books or a copy thereof bearing the seal of the Court, and purporting to be signed and certified as a true copy by the Clerk of the Court, shall be admitted in all Courts and places as evidence of such entries, and of the proceeding referred to by such entry or entries, and of the regularity of such proceeding, without any further proof.

LXXXII. The

LXXXII. The Clerk of every such Court shall, in the month of *March*, in each year, make out a correct list of all sums of money belonging to suitors in the Court, which shall have been paid into Court, and which shall have remained unclaimed for five years before the first day of the month of *January* then last past, specifying the names of the parties for whom or on whose account the same were so paid into Court; and a copy of such list shall be put up and remain during Court hours in some conspicuous part of the Court House, and at all times in the Clerk's Office; and all sums of money which shall have been paid into any such Court, to the use of any suitor or suitors thereof, and which shall have remained unclaimed for the period of six years before the passing of this Act, and which are now in the hands of any Commissioner or Officer of such Court, or otherwise held in trust for such suitors, and all further sums of money, which shall hereafter be paid into such Court to the use of any suitor or suitors thereof shall, if unclaimed for the period of six years after the same shall have been so paid into Court, be applicable as part of the fees receivable on account of the Court, and shall be carried to the same account; and no person shall be entitled to claim any sum which shall have remained unclaimed for six years; but no time during which the person entitled to claim such sum shall have been an infant or married woman or of unsound mind, or out of the Territories under the Government of the East India Company, shall be taken into account in estimating the said period of six years.

LXXXIII. If any person shall wilfully insult any Judge, Clerk or Officer of the said Court, for the time being, during his sitting or attendance in Court, or shall wilfuly interrupt the proceedings of the Court, or otherwise misbehave in Court, it shall be lawful for any Bailiff or Officer of the Court, with or without the assistance of any other person, by the order of the Judges to take such offender into custody, and detain him until the rising of the Court; and the Judges shall be empowered, if they

they shall think fit, by a warrant under their hands, and sealed with the seal of the Court, to commit any such offender to any prison to which they have power to commit offenders under this Act, for any time, not exceeding seven days, or to impose upon any such offender a fine, not exceeding Fifty Rupees for every such offence, and in default of payment thereof to commit the offender to any such prison as aforesaid, for any time not exceeding seven days, unless the said fine be sooner paid, or instead of inflicting summary punishment under this Act may cause the offender to be indicted in the Supreme Court, if the offence be an indictable misdemeanour.

LXXXIV. If any Officer or Bailiff of any Court holden under this Act shall be assaulted while in the execution of his duty, or if any rescue shall be made or attempted to be made of any person arrested, or goods levied under process of the Court, the person so offending shall be liable to a fine, not exceeding One Hundred Rupees, to be recovered by order of the Court, or before a Magistrate as hereinafter provided; and the Bailiff of the Court, or any Peace Officer in any such case, may take the offender into custody, (with or without warrant,) and bring him before such Court, or Magistrate accordingly.

LXXXV. If any Bailiff of the said Court, who shall be employed to execute any warrant of the Court, shall, by neglect, or connivance, or omission, lose an opportunity of executing such warrant, then, upon complaint of the party aggrieved by reason of such neglect, connivance or omission, (and the fact alleged being proved to the satisfaction of the Court,) the Judges shall order the Bailiff to pay such damages as it shall appear that the plaintiff has sustained thereby, not exceeding in any case the sum of money for which the said execution is issued, and the Bailiff shall be liable thereto; and upon demand made thereof, and on his refusal so to pay and satisfy the same, payment thereof shall be enforced by such ways and means as are herein provided for enforc-

ing a judgment recovered in the said Court, without prejudice nevertheless to the execution of the original warrant.

LXXXVI. If any Clerk, Bailiff or Officer of the Court, acting under colour or pretence of the process of the said Court, shall be charged with extortion or misconduct, or with not duly paying or accounting for any money levied by him under the authority of this Act, the Judges may inquire into such matter in a summary way, and for that purpose may summon and enforce the attendance of all necessary parties in like manner as the attendance of witnesses in any case may be enforced, and may make such order thereupon for the repayment of any money extorted, or for the due payment of any money so levied as aforesaid, and for the payment of such damages and costs, as they shall think just; and also, if they shall think fit, may impose such fine upon the Clerk, Bailiff or Officer, not exceeding One Hundred Rupees for each offence, as they shall deem adequate; and in default of payment of any money so ordered to be paid, payment of the same may be enforced by such ways and means as are herein provided for enforcing a judgment recovered in the said Court.

LXXXVII. Every Clerk, Bailiff or other Officer employed in putting this Act or any of the powers thereof in execution, who shall wilfully and corruptly exact, take or accept any fee or reward whatsoever, other than his lawful salary, for any thing done or to be done by virtue of this Act, or on any account whatsoever, relative to putting this Act into execution, shall, upon proof thereof before the said Court, and in the case of a Clerk, on confirmation of the finding of the Court by the Governor in Council, be for ever incapable of serving, or being employed under this Act in any office of profit or emolument, and shall also be liable for damages as herein provided.

LXXXVIII. If any claim shall be made to, or in respect of, any goods or chattels taken in execution under the process of any Court holden under this Act, or in respect of the proceeds or value thereof, by any person not being the party against whom such process has issued, the Clerk of the Court, upon application of the Officer charged with the execution of such process, as well before as after any action brought against such Officer, may issue a summons calling before the said Court, as well the party issuing such process as the party making such claim, and thereupon any action, which shall have been brought in the Supreme Court in respect of such claim, shall be stayed, and any Judge of the Supreme Court on proof of the issue of such summons, and that the goods and chattels were so taken in execution, may order the party bringing such action to pay the costs of all proceedings had upon such action after the issue of such summons out of the Court of Small Causes, and the Judges of the Court of Small Causes shall adjudicate upon such claim and make such order between the parties in respect thereof, and of the costs of the proceedings as to them shall seem fit, and such order shall be enforced in like manner as any order made in any suit brought in such Court.

LXXXIX. The powers of Act VII. 1847 to regulate distresses for small rents in Calcutta, shall be extended to the recovery of all arrears of rent not exceeding Five Hundred Rupees, and the Judges of every Court of Small Causes under this Act shall be empowered to exercise within their several jurisdictions the extended powers of the said Act; and the said Act shall be construed as if, instead of Calcutta and the Settlement of Fort William in Bengal, the limits of the jurisdiction of the Court had been therein mentioned, and the Judges of the Court of Small Causes under this Act instead of the Commissioners of the Court therein mentioned, and the amount of Five Hundred Rupees instead of One Hundred Rupees, and the forms contained in the Schedule annexed

ed to the said Act shall be altered accordingly, and shall refer to this Act instead of Act VII. 1847.

XC. The affidavit of arrear required by the said Act No. VII. 1847 may, in every case, be made either by the person entitled to such arrear or by his or her lawfully constituted attorney, and a warrant of distress may issue on such affidavit.

XCI. Where any person shall hold or occupy any house, land or tenement, of which the value or the rent payable in respect thereof, does not exceed the rate of Five Hundred Rupees by the year, without leave of the owner, or under a lease or agreement which is ended, or duly determined by a legal notice to quit, and such tenant, or, if such tenant do not actually occupy the premises, or occupy only a part thereof, any person by whom the same or any part thereof shall be then actually occupied, shall neglect or refuse to quit and deliver up possession of the premises, or of such part thereof respectively, the owner or his agent may take out a summons from the Court directed to such tenant or occupier, to show by what title he claims to hold or occupy the premises or part thereof.

XCII. If the tenant or occupier shall not thereupon appear at the time and place appointed, and show cause to the contrary, and shall still neglect or refuse to deliver up possession of the premises, or of such part thereof, of which he is then in possession, to the said owner or his agent, such owner or agent may give to the Court proof of the holding, and of the end or other determination of the tenancy, if any had existed, with the time or manner thereof, and of the right by which he claims the possession.

XCIII. Upon proof of due service of the summons, and of the neglect or refusal of the tenant or occupier, as the case may be, the Judges may

may issue a warrant under the seal of the Court, to any Bailiff of the Court requiring and authorizing him within a period to be therein named not less than seven, or more than ten clear days from the date of such warrant, to give possession of the premises to such owner or agent, and such warrant shall be a sufficient warrant to the said Bailiff to enter upon the premises with such assistants as he shall deem necessary, and to give possession accordingly: Provided always, that entry upon any such warrant shall not be made on a *Sunday*, *Good Friday*, or *Christmas-day*, or any other day observed by the Court as a Holiday, or at any time except between the hours of six in the morning and six in the afternoon: Provided also, that nothing herein contained shall be deemed to protect any person by whom any such warrant shall be sued out of the Court of Small Causes from any action which may be brought against him by any such tenant or occupier for such entry and taking possession, where such person had not, at the time of suing out the same as aforesaid, lawful right to the possession of the same premises.

XCIV. Such summons, as last aforesaid, may be served either personally or by leave of the Court, upon proof that the tenant or occupier is not to be found within the jurisdiction of the Court, by leaving the same with some person being in, and apparently residing at the place of abode of the person or persons so holding over as aforesaid; or if the place of abode of such person or persons shall either not be known or admission thereto cannot be obtained for serving such summons, by posting the said summons on some conspicuous part of the premises so held over.

XCV. No action or prosecution shall be maintainable against the Judges or against the Clerk of the Court, by whom such warrant as aforesaid shall have been issued, or against any Bailiff or other person by whom such warrant may be executed, or summons affixed, for issuing

such warrant, or executing the same respectively, or affixing such summons, by reason that the person by whom the same shall be sued out had not lawful right to the possession of the premises.

XCVI. Where the owner, at the time of applying for such warrant as aforesaid, had lawful right to the possession of the premises, or of the part thereof so held over as aforesaid, neither the said owner nor his agent, nor any other person acting in his behalf, shall be deemed to be a trespasser, by reason merely of any irregularity or informality in the mode of proceeding for obtaining possession under the authority of this Act, but the party aggrieved may, if he think fit, bring an action on the case, for such irregularity or informality, in which the damage alleged to be sustained thereby, shall be specially laid, and may recover full satisfaction for such special damage with costs of suit: Provided that, if the special damage so laid be not proved, the defendant shall be entitled to a verdict, and that, if proved, but assessed at any sum, not exceeding Ten Rupees, the plaintiff shall recover no more costs than damages, unless the Judge, before whom the trial shall have been holden, shall certify that in his opinion full costs ought to be allowed.

XCVII. In every case in which the person, by whom any such warrant shall be sued out of the Court of Small Causes, had not, at the time of suing out the same, lawful right to the possession of the premises, the suing out of any such warrant, as last aforesaid, shall be deemed a trespass by him against the tenant or occupier of the premises, although no entry shall be made by virtue of the warrant; and in case any such tenant or occupier will become bound with two sufficient sureties, to be approved by the Clerk of the Court, in such sum as to the Judges shall seem reasonable, regard being had to the value of the premises and to the probable cost of such action, to sue the person by whom such warrant was sued out with effect and without delay, and to pay all the costs of the

the proceeding in such action, in case a verdict shall pass for the defendant, or the plaintiff shall discontinue or not prosecute his action, or become nonsuit therein, execution upon the warrant shall be stayed until judgment shall have been given in such action of trespass; and, if upon the trial of such action of trespass, judgment be given for the plaintiff, such judgment shall supersede the said warrant.

XCVIII. Recovery of the possession of any such house, land or tenement shall be no bar to the institution of a regular suit, for trying the title thereunto, which may be brought in the Supreme Court, as if this Act had not been passed.

XCIX. Every bond given on the removal of any action out of the Court of Small Causes, or upon staying, delaying or reversing any judgment or execution awarded therein, or the execution of any such warrant of possession as aforesaid, or on moving for a new trial, or to set aside a verdict, judgment or nonsuit, shall be made to the other party to the action, and shall be approved by the Judges and attested under the seal of the Court; and if the bond so taken be forfeited, or if upon the proceeding for securing which such bond was given, the Judge, before whom such proceeding shall be had, shall not certify upon the record in Court, that the condition of the bond hath been fulfilled, the party to whom the bond shall have been so made may bring an action of debt and recover thereon: Provided always, that the Court in which such action as last aforesaid shall be brought may, by a rule of Court, give such relief to the parties liable upon such bond as may appear to him reasonable, and such rule shall have the nature and effect of a defeasance to such bond.

C. All actions and proceedings, which before the passing of this Act, might have been brought in the Supreme Court, where any Officer of the Court of Small Causes shall be a party, except in respect of any claim

to

to any goods and chattels taken in execution of the process of the Court, or the proceeds or value thereof, may be brought and determined in the Supreme Court, at the election of the party suing or proceeding, as if this Act had not been passed.

CI. If any action shall be commenced after the passing of this Act in the Supreme Court, for any cause other than those lastly hereinbefore specified, for which a summons might have been taken out from a Court holden under this Act, and a verdict shall be found for the plaintiff for a sum less than Five Hundred Rupees, if the said action is founded on contract, or less than One Hundred Rupees, if it is founded on wrong, the plaintiff shall have judgment to recover such sum only, and no costs; and if a verdict shall not be found for the plaintiff the defendant shall be entitled to his costs as between Attorney and Client, unless in either case the Judge, who shall try the cause, shall certify on the back of the record that, by reason of the difficulty, novelty or general importance of the case, or of some erroneous course of decision on like cases in the Court of Small Causes, the action was fit to be brought in the Supreme Court.

CII. If any person shall bring any suit in the Supreme Court in respect of any grievance committed by the Clerk, Bailiff, or Officer of any Court holden under this Act, under colour or pretence of the process of the said Court, and upon the trial of the action, no greater damages shall be found for the plaintiff than the sum of Five Hundred Rupees, no costs shall be awarded to the plaintiff in such action, unless the Judge shall certify in Court, upon the back of the Record, that the action was fit to be brought in the Supreme Court.

CIII. All penalties, fines and forfeitures by this Act, inflicted or authorized to be imposed, (the manner of recovering and applying whereof is not hereby otherwise particularly directed), upon proof before any Justice

of

of the Peace or Magistrate having jurisdiction where the offender shall reside or be, or the offence shall be committed, either by the confession of the party offending or by the oath or affirmation of any credible witness, shall be levied, with the costs attending the summons and conviction, by distress and sale of the goods and chattels of the party offending, by warrant under the hand of any such Justice or Magistrate, and the overplus (if any) after such penalties, fines and forfeitures, and the charges of such distress and sale are deducted, shall be returned, upon demand, unto the owner of such goods and chattels.

CIV. If any such penalties, fines and forfeitures respectively, shall not be paid forthwith upon conviction, it shall be lawful for such Justice or Magistrate to order the offender so convicted to be detained in safe custody until return can conveniently be made to such warrant of distress; unless such offender shall give sufficient security to the satisfaction of such Justice or Magistrate for his appearance before him on such day as shall be appointed for the return of such warrant of distress, such day not being more than eight days from the time of taking any such security, which security the Justice or Magistrate shall be empowered to take by way of recognizance or otherwise, as to him shall seem fit.

CV. If upon return of such warrant it shall appear that no sufficient distress can be had thereupon, or in case it shall appear to the satisfaction of the Justice or Magistrate, either by confession of the offender or otherwise, that he hath not within the jurisdiction of such Justice or Magistrate, sufficient goods and chattels, whereon to levy all such penalties, forfeitures, costs and charges, the Justice or Magistrate may, at his discretion, without issuing any warrant of distress, commit the offender to the Common Gaol or House of Correction, for any time not exceeding three calendar months, unless such penalties, forfeitures and fines, and all reasonable charges attending the recovery thereof, shall be sooner paid and satisfied.

CVI. The

CVI. The monies arising from any such penalties, forfeitures and fines as aforesaid when paid and levied, shall (if not by this Act directed to be otherwise applied) be, from time to time, paid to the Clerk of the Court, and shall be applied in like manner as the fees thereof.

CVII. In all cases in which by this Act any penalty or forfeiture is made recoverable before a Justice or Magistrate, he may summon before him the party complained against, and on such summons may hear and determine the matter of such complaint; and, on proof of the offence may convict the offender and adjudge him to pay the penalty or forfeiture incurred, and proceed to recover the same, although no information in writing shall have been exhibited before him; and all such proceedings by summons without information in writing shall be as valid and effectual to all intents and purposes, as if an information in writing had been exhibited.

CVIII. In all cases where any conviction shall be had for any offence committed against this Act, the form of conviction may be in the words or to the effect following: (that is to say,) "Be it remembered that "on this day of in the year "A. B. is convicted before a Magistrate "for the (or before a Judge appointed under Act IX. "1850) of having *(state the offence;)* and I *(or we)* the said "do adjudge the said to forfeit and pay for the same the "sum of [or to be committed to for the space "of] given under hand ( ) and seal ( ) the day "and year aforesaid."

CIX. No order, verdict or judgment, or other proceeding, made concerning any of the matters aforesaid, shall be quashed or vacated for want of form.

CX. Where

CX. Where any distress shall be made for any sum of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect or want of form in the information, summons, conviction, warrant of distress or other proceeding relating thereto, nor shall the party distraining be deemed a trespasser from the beginning, on account of any irregularity which shall afterwards be committed by the party so distraining, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action upon the case.

CXI. All actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act, shall be commenced within three calendar months after the fact committed, and not afterwards, and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action is brought, or if after action brought, a sufficient sum of money shall have been paid into Court, with costs by or on behalf of the defendant.

Schedule of Fees.

Sums not above	Every Summons or Subpœna.		Warrant.	
Rupees.	Rupees.	Annas.	Rupees.	Annas.
10	0	2	0	2
20	0	4	0	4
50	0	8	0	8
100	1	0	1	0
200	1	4	2	0
300	1	8	3	0
400	1	12	4	0
500	2	0	5	0

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. X. OF 1850.

Passed by the Governor General of India in Council on the 15th of March 1850.

An Act to declare Aden a free Port.

WHEREAS the trade between the Western Coast of India and the Red Sea and places thereunto adjacent will be improved by encouraging the resort of Vessels of all nations to the Port of Aden in Arabia, It is declared and enacted as follows:

I. The Port and Settlement of Aden in Arabia, is a free Port and Settlement: and no duty of Customs is payable there on any Ship or other Vessel, or on any Goods lawfully carried by sea or land to or from the said Port and Settlement.

II. The said Port of Aden shall not be taken to be within the provisions of Act VI. 1848.

Calcutta:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XI. OF 1850.

Passed by the Governor General of India in Council on the 15th of March 1850.

An Act to amend Act X. 1841.

FOR amendment of Act X. 1841, It is enacted as follows:

I. Section XIII. of Act X. 1841, is repealed.

II. The Passes which, under Section XXIV. of the said Act, may be issued for conferring the privileges and advantages of a British Ship, in certain cases, to any ship or vessel built within the dominions of a Native Prince or State in subordinate alliance with, or having subsidiary treaties with the East India Company, may, after the passing of this Act, be issued in the like cases, and under the same restrictions, to any ship or vessel belonging to any such Native Prince or State, or their subjects, wherever the same may have been built.

III. All ships or vessels, of whatever rig and of whatever tonnage, owned by British Subjects, entitled to registry under Act X. 1841, or owned by such Native Princes or States, or by their subjects entitled to Passes

Passes under Act X. 1841, as amended by this Act, employed only in coasting voyages, or between any port of the Continent of India and the Island of Ceylon, may be registered and obtain Passes, and the tonnage may be marked, according to such rules as shall be made from time to time by the Governor or Governor in Council of each Presidency.

IV. The owners of coasting vessels, registered under Section III. of this Act, shall pay for each Certificate of Registry,

For a vessel not exceeding the burthen of four tons one Rupee,

Exceeding four tons and not exceeding twenty tons five Rupees,

Exceeding twenty tons and not exceeding eighty tons seven Rupees,

Exceeding eighty tons, for each ton two annas,

Which fees shall be carried to the credit of the Government of the Presidency in which they are levied.

V. This Act shall be construed with and as part of Act X. 1841.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XII. OF 1850.

Passed by the Governor General of India in Council on the 22nd March 1850.

For avoiding loss by the default of Public Accountants.

FOR better avoidance of loss through the default of Public Accountants, It is enacted as follows:

I. Every Public Accountant shall give security for the due discharge of the trusts of his office, and for the due account of all moneys which shall come into his possession or controul, by reason of his office.

II. In default of any Act having special reference to the office of any Public Accountant, the security given shall be of such amount and kind, real or personal, or both, and with such sureties, (regard being had to the nature of the office,) as shall be required by any rules made or to be made from time to time, by the authority by which each Public Accountant is appointed to his office, subject to the approval of the Governor or Governor in Council of the Presidency or place.

III. Every

III. Every person is a Public Accountant within the meaning of this Act, who, by reason of any office held by him in the service of the East India Company is entrusted with the receipt, custody or controul of any moneys or securities for money, or the management of any lands belonging to the East India Company, or as Official Assignee or Trustee, or as Surberakar, or in any other official capacity, with the receipt, custody or controul of any moneys or securities for money, or the management of any lands belonging to any other person or persons.

IV. The person or persons at the head of the office to which any Public Accountant belongs may proceed against any such Public Accountant and his Sureties, for any loss or defalcation in his accounts, as if the amount thereof were an arrear of land revenue due to Government.

V. All Regulations and Acts now or hereafter to be in force for the recovery of arrears of land revenue due to Government, and for recovery of damages by any person wrongfully proceeded against for any such arrear, shall apply, with such changes in the forms of procedure as are necessary to make them applicable to the case, to the proceedings against and by such Public Accountant.

VI. All sales of Estates, summarily sold before the passing of this Act, in satisfaction of the security bonds of any Public Accountants within the meaning of this Act, shall be deemed as good and valid, and be as liable to be reviewed and annulled, as if such Estates had been sold under authority of this Act, and no further or otherwise.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XIII. OF 1850.

Passed by the Governor General of India in Council on the 22nd March, 1850.

For Punishing Breaches of Trust.

FOR the punishment of Breaches of Trust, It is enacted as follows:

I. Every person employed in the public Service of Her Majesty, or of the East India Company, and entrusted, by reason of such employment, with the receipt, custody or control of any chattel, money, or valuable security, who shall embezzle the same or any part thereof, or in any manner fraudulently apply, use or dispose of the same, or any part thereof for any purpose other than a purpose to which the same is applicable under the trust reposed in him shall be deemed to have feloniously stolen the same.

II. All Official Trustees, Assignees and Receivers of Money, by virtue of their several offices or appointments, all Justices of the Peace, Coroners and other persons, receiving by virtue of their offices or appointments any fines, forfeitures, penalties or other moneys, on behalf of Her Majesty or of the East India Company, all Sheriffs, Under Sheriffs, Bailiffs, Officers and other persons employed to levy money in execution of the judgment or order of any Court;

Court; or in receiving any taxes or other moneys directed to be levied by any Regulation of the Governor or Governor in Council of any Presidency or Place, or by any Act of the Governor General of India in Council, and also all Subordinate Officers and Servants employed in the office or service of any of the persons hereinbefore enumerated, and entrusted with money in the course of such employment, are declared to be persons employed in the public service within the meaning of this Act; but this special enumeration of some of the persons included in the general description of persons in the public service of Her Majesty or the East India Company, shall not be taken to abridge the meaning of that general description.

III. The Clauses respectively numbered XCIX, C, CI, CII, CIII and CIV, in an Act of Parliament passed in the ninth year of the Reign of King George the Fourth, intituled an Act for improving the Administration of Criminal Justice in the East Indies, are repealed, except as to all things done or forborne to be done before the passing of this Act.

IV. Every Clerk or Servant, who shall steal any chattel, money or valuable security, belonging to, or in the possession or power of his Master, shall be punishable in the same manner as persons convicted of felonious stealing under this Act.

V. Every Clerk or Servant, or any person employed for the purpose, or in the capacity of a Clerk or Servant, who shall by virtue of such employment, receive or take into his possession any chattel, money or valuable security, for or in the name or on the account of his Master, and who shall fraudulently embezzle the same or any part thereof, shall be deemed to have feloniously stolen the same from his Master, although such chattel, money or security was not received into the possession of his Master, otherwise than

than by the actual possession of his Clerk, Servant or other person so employed.

VI. Every Member and Officer of a Trading Corporation or Company, and also every Banker, Merchant, Factor, Broker, Attorney or other Agent, whether he be commonly so employed, or be employed as an Agent in that instance only, and whether he act as such Agent gratuitously or otherwise, to whom any chattel, money or valuable security is entrusted for safe custody, or for any special purpose, and whether with or without any authority to sell, negotiate, pledge or employ the same, but with an authority limited to some defined purpose as to the application of such money, chattel or valuable security, or of any part thereof, or of the proceeds or of any part of the proceeds thereof, who shall fraudulently apply, use or dispose of the same or any part of the proceeds thereof, for any purpose other than a purpose for which the same was entrusted to him, shall be deemed to have feloniously stolen the same.

VII. Every Sub-Agent, Clerk or Servant of any such Trading Corporation or Company, or of any Banker, Merchant, Factor, Broker or other Agent as aforesaid, who, knowing the purpose for which such chattel, money or valuable security was entrusted to the Corporation, Company, Person or Persons, by whom he is employed, shall fraudulently apply, use or dispose of the same, for any purpose other than a purpose for which the same was entrusted to his employer or employers, shall be deemed to have feloniously stolen the same though he were not himself immediately employed or entrusted with the disposition thereof by the person entitled thereto.

VIII. Every person, possessed, or having the receipt, custody or control, of any chattel, money or valuable security, in trust for any other person or persons, who shall embezzle the same or any part thereof, or in any manner fraudulently

fraudulently apply, use or dispose of the same, for his own use or benefit, in breach of the trust reposed in him, shall be deemed to have feloniously stolen the same.

IX. Every person convicted of having feloniously stolen any chattel, money or valuable security under this Act, shall be liable to be transported out of the territories under the Government of the East India Company for life, or to be imprisoned with or without labour for any term not exceeding seven years.

X. Every instrument entitling or shewing the title of any person to any share or interest in any public stock or fund of any Country or State, or in any Stock of any Corporation or Company, or for the transfer of any such share or interest, or for the receipt of any dividend or interest on any such share, or entitling or shewing the title to any deposit in any Bank, and every warrant, order or instrument for the payment of any money on any event, certain or contingent, or for the delivery or receipt of any goods, or merchandize, on any such event, is a valuable security within the meaning of this Act.

XI. Any offender under this Act may be proceeded against on the same charge for any number of distinct acts of embezzlement or fraudulent application, use or disposition as aforesaid, committed by him within six calendar months, from the first to the last of such acts: and proof of a gross deficiency in the accounts of any such Trustee or Public Servant, shall be evidence of the offence charged, until such deficiency is otherwise explained.

XII. If the offence relates to money or to any Bank Note, Bank Post Bill, Banker's Cheque, Bill of Exchange, Promissory Note, Government Paper or other like security for the payment of money, it shall be enough in the indictment

indictment or charge to allege the embezzlement or fraudulent application, use or disposition of money, without specifying any particular coin or valuable security; and such allegation shall, so far as regards the kind of property, be sustained, if the offender is proved to have embezzled or fraudulently applied, used or disposed of any amount of money or any valuable security, though the particular kind of coin or valuable security, of which such amount was composed, shall not be proved.

XIII. It shall not be necessary, in any proceeding against any offender under this Act, to declare the person to whom the property embezzled or fraudulently applied or disposed of belongs otherwise than hereinafter provided, or to give any other description of it than by stating its general character according to the provisions of this Act; and if the offence be that of embezzlement or fraudulent application, use or disposition, by a person in the public service of the Crown, or of the East India Company, of property entrusted to him by reason of such employment, or part thereof, it shall be enough to state that the defendant was in such service, and that he received the property by reason of such employment, and embezzled the same, or part thereof, or fraudulently applied, used or disposed of the same, as the case may be; and, if the case be one of fraudulent application, use or disposition by any person not being such public servant but entrusted as aforesaid, it shall be enough to state that such person was entrusted with the property (describing its general character as aforesaid,) and it shall be enough to state shortly the purpose of the trust, and that he fraudulently applied, used or disposed of the same contrary to his duty in that behalf.

XIV. The Court before which any offender is tried under this Act shall have power upon the trial to make any amendments that may be necessary, by reason of any variance between the statements of the charge and the evidence,

either

either in the description of the property, or of any person, or of any office, appointment or employment, or of the purpose of the trust or otherwise, when in the opinion of the Court the person charged cannot have been misled as to his defence by such imperfect or erroneous statement.

XV. Every offender under this Act may be tried and punished by any Court of competent jurisdiction either in the place where he is in custody, or where he committed the offence.

XVI. The punishment of any offender under this Act shall not be deemed to take away or lessen his liability or the liability of his sureties to make good any loss sustained by Her Majesty or the East India Company, or any other person or persons by his misbehaviour or breach of trust.

XVII. Every person charged with a felonious breach of trust under this Act, who shall be proved to have knowingly made up or furnished false statements or accounts of the sums of money received or paid by him or entrusted to his care, or of the goods or balance of money in his custody or control, shall be liable to fine in the discretion of the Court, although no actual embezzlement or fraudulent application, use or disposition of trust, moneys, chattels or valuable securities is proved against him, and in addition to such fine may be imprisoned, with or without labour, as the Court shall adjudge, for any term not exceeding one year; but no person convicted of felonious breach of trust as aforesaid shall be punished also for making up false accounts in connection with the same breach of trust.

Calcutta, 1850 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XIV. OF 1850.

Passed by the Governor General of India in Council on the 22nd March, 1850.

An Act for assimilating the Penal Jurisdiction of Police Magistrates at the Straits' Settlements to that of Justices of the Peace at Calcutta.

WHEREAS it is expedient to apply the provisions of the Acts XXI. 1839 and III. 1842, to the Straits' Settlements, and to remove doubts whether Act III. 1844 is in force there, It is declared and enacted as follows:

I. All powers given by Act XXI. 1839, or Act III. 1842, to any Justice of the Peace for the Town of Calcutta, for the trial and punishment of certain simple larcenies and other felonies within the Town of Calcutta, and of assaults on board of Merchant Ships, in the River Hooghly, may be exercised by any Magistrate or Justice of the Peace of the Settlements of Prince of Wales' Island, Singapore and Malacca, for the trial and punishment of the like larcenies, felonies and assaults within the said Settlements respectively, and the like assaults on board of any Merchant Ship in the roads belonging to the said Settlements respectively.

II. In execution of the powers of the said Acts, by any Magistrate or Justice of the Peace for any of the said Settlements, the said Acts shall be read, as

if

if the said Settlement and the Recorder's Court there were severally mentioned therein, instead of the Town of Calcutta, and Supreme Court of Justice at Calcutta, and as if the said Settlement and the roads thereof were mentioned therein, instead of the River Hooghly, or the mouths thereof, and in construing the said Acts, and this Act, two rupees shall be deemed equivalent to one dollar.

III. Act III. 1844 is in force within the said Settlements, and any Magistrate or Justice of the Peace there shall be deemed a Magistrate within the meaning of that Act.

IV. Any Magistrate or Justice of the Peace for any of the said Settlements may punish any person who having been lawfully summoned to give evidence in any Criminal proceeding before any Magistrate or Justice of the Peace for the same Settlement, shall refuse or without reasonable cause neglect to attend and give evidence, by a fine not exceeding one hundred Rupees to be levied as directed by Act II. 1839.

Calcutta, 1850 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XV. OF 1850.

Passed by the Governor General of India in Council on the 4th of April 1850.

An Act to extend the operation of Sections X. and XII., Regulation XXVI. 1814, *of the Bengal Code.*

WHEREAS it is expedient for the better administration of justice to extend the provisions of Section X. Regulation XXVI. 1814, and make them applicable to Suits instituted in the Courts of the Moonsiffs, It is enacted as follows:

I. From the passing of this Act, Sections X. and XII., Regulation XXVI. 1814, shall be applicable to all Suits instituted in the Courts of the Moonsiffs, in the Presidency of Fort William in Bengal.

II. The provisions of Act XII. 1843, shall apply to all points which the Court shall record as the points to be established, or on which proof is required by the Court according to Section X. Regulation XXVI. 1814, and to this Act.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XVI. OF 1850.

Passed by the Governor General of India in Council on the 4th of April 1850.

An Act for restitution of the value of Stolen Property.

WHEREAS it is expedient that the several Criminal Courts within the Territories under the Government of the East India Company be empowered to add the punishment of fine to the punishments already provided for persons convicted before them of certain offences respecting Property, and to apply the same for the benefit of those who have suffered by such offences, It is declared and enacted as follows:

I. All Criminal Courts within the said Territories may add to the punishment competent to them to inflict upon persons convicted before them of robbery, theft, embezzlement, knowingly receiving stolen goods, cheating or other wrongful appropriation of Property, or of being accessory or privy to any such offence, the punishment of fine, not exceeding the loss appearing to be caused to the several persons, who have suffered by such wrong: and may pay and distribute the proceeds of the said fine or any part thereof, to or for the benefit of the said several persons, according to the discretion of the Court.

II. Payment of every such fine be enforced by distress and sale under the order of the Court, of the goods of the offender.

Calcutta, 1850 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XVII. OF 1850.

Passed by the Governor General of India in Council on the 4th April 1850.

An Act for taking land in Bombay and Colaba for public purposes.

FOR enlarging the powers of Act XXVIII. 1839, for taking any ground within the Islands of Bombay and Colaba, for any new public road or thoroughfare, for the purpose of enabling the Government to take land needed for any railway for the conveyance of goods or passengers within the said Islands, the construction of which may be sanctioned by Parliament or by the Government of India, and for other public purposes, It is enacted as follows:

I. Sections XV. to XXI., both inclusive, of Act XXVIII. 1839, shall extend to enable the Court of Petty Sessions, with the sanction of the Governor of Bombay in Council, to take any ground or building within the Islands of Bombay and Colaba, which may be needed by the Governor of Bombay in Council for any railway for the conveyance of goods or passengers, the construction of which is or shall be sanctioned by Parliament, or by the Government of India, or for any other purpose which shall be declared to be a purpose of public utility by the said Governor in Council; and thereupon the East India Company shall become and be the legal owners of the said ground or building, and every other person theretofore interested in the premises shall be divested of all right, title and interest to and in the same.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XVIII. OF 1850.

***Passed by the Governor General of India in Council on the 4th April* 1850.**

An Act for the protection of Judicial Officers.

FOR the greater protection of Magistrates and others acting judicially, It is enacted as follows:

I. No Judge, Magistrate, Justice of the Peace, Collector or other person acting judicially shall be liable to be sued in any Civil Court, for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction: provided that he at the time, in good faith, believed himself to have jurisdiction to do or order the act complained of: and no Officer of any Court or other person, bound to execute the lawful warrants or orders of any such Judge, Magistrate, Justice of the Peace, Collector or other person acting judicially shall be liable to be sued in any Civil Court, for the execution of any warrant or order, which he would be bound to execute, if within the jurisdiction of the person issuing the same.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XIX. OF 1850.

Passed by the Governor General of India in Council on the 11th April 1850.

Concerning the binding of Apprentices.

FOR better enabling children, and especially orphans and poor children brought up by public charity, to learn trades, crafts and employments, by which, when they come to full age, they may gain a livelihood, It is enacted as follows:

I. Any child, above the age of ten, and under the age of eighteen years, may be bound apprentice by his or her father or guardian to learn any fit trade, craft or employment, for such term as is set forth in the contract of apprenticeship, not exceeding seven years, so that it be not prolonged beyond the time when such child shall be of the full age of twenty-one years, or in the case of a female, beyond the time of her marriage.

II. The age set forth in the contracts shall be evidence of the age of the child, in all questions which arise as to the right of the master to the continuance of the service.

III. Any Magistrate or Justice of the Peace may act with all the powers of a guardian under this Act, on behalf of any orphan, or poor child

child abandoned by its parents, or of any child convicted before him, or any other Magistrate of vagrancy, or the commission of any petty offence.

IV. An orphan or poor child, brought up by any public charity, may be bound apprentice by the Governors, Directors or Managers thereof, as his or her guardians for this purpose.

V. Any such boy may be bound as an apprentice in the sea service to any of Her Majesty's subjects, being the owner of any registered ship belonging to and trading from any port in the territories under the Government of the East India Company, which has been declared to be a registering port under Act X. 1841, to be employed in any such ship the property of such person, commanded by a British subject, and, while so employed, to be taught the craft and duty of a seaman.

VI. Any such boy may be bound in like manner for sea service in any ship of the East India Company belonging to any such port, commanded by a British subject, in which case the contract shall be made with the Master Attendant at such port, or any officer appointed to represent the East India Company in this behalf, who shall appoint the ship in which such apprentice is to serve from time to time.

VII. The master or commander of any ship in which an apprentice bound to the sea service shall be appointed to serve by the party to whom he is bound, shall be deemed the agent of such party for the purpose of this Act.

VIII. Every contract of apprenticeship shall be in writing, according to the form given in the Schedule (A.) annexed to this Act, or

to

to the like effect, which shall set forth the conditions agreed upon particularly specifying the age of the apprentice, the term for which he is bound, and what he is to be taught.

IX. Every such contract shall be signed by the person to whom the apprentice is bound, and by the person by whom he is bound, and by the apprentice, when he is of the age of fourteen years or more at the time of binding; but, when the apprentice is bound by the Governors, Directors or Managers of a Public Charity, the signature of two of them, or of their Secretary or Officer, shall be sufficient on behalf of the persons binding the apprentice.

X. No such contract shall be valid unless it be executed in the manner aforesaid, nor until it has been deposited in the office of the Chief Magistrate of the place or district where it has been executed, or if the apprentice is bound to the sea service, in the office of the person appointed under Act X. 1841, to make registry of ships at the port where the apprentice is to begin his service; and the person in whose office any such contract is deposited shall give to each of the parties a copy thereof, certified under his hand, which certified copies shall be received as evidence of the contract, without formal proof of the handwriting of the Magistrate or Registering Officer.

XI. The terms of service may be changed at any time during the apprenticeship, or the contract may be determined, with the consent of both parties to the contract or their personal representatives, and with the consent of the apprentice, if he is above the age of fourteen years; provided, that the changes agreed to or the termination of the contract shall be expressed in writing on the original contract, with the signature of the proper parties according to Section VIII. of this Act; and the Magistrate

Magistrate or Registering Officer shall thereupon make under his hand corresponding endorsements on the office copies, which shall be brought to him at the same time for that purpose.

XII. The master of any apprentice bound under this Act may, with the consent of the person by whom he was bound, and with the consent of the apprentice, if he is above the age of fourteen years, assign such apprentice to any other person, who is willing to take him for the residue of his apprenticeship, and subject to the conditions thereof; provided that such person shall, by endorsement under his own hand on the contract, declare his acceptance of such apprentice, and acknowledge himself bound by the agreements and covenants therein mentioned, to be performed on the part of the master, and that the consent of the other parties aforesaid shall be expressed in writing on the same, and signed by them respectively: And every such assignment shall be certified on the office copies of the contract under the hand of the Magistrate or Registering Officer according to the form given in Schedule (B.) annexed to this Act.

XIII. Upon complaint made to any Magistrate in the said territories, by or on behalf of any apprentice bound under this Act, of refusal or neglect to provide for him, or to teach him according to the contract of apprenticeship, or of cruelty, or other ill-treatment by his master, or by the agent under whom he shall have been placed by his master, the Magistrate may summon the master or his agent, as the case may be, if he shall be within his jurisdiction, to appear before him at a reasonable time, to be stated in the summons, to answer the complaint; and at such time, whether the master or his agent be present or not, (service of the summons being proved), may examine into the matter of the complaint; and, upon proof thereof, may cancel the contract of apprentice-

ship,

ship, and assess upon the offender, whether he shall be the master or his agent, a reasonable sum for behoof of the apprentice, not exceeding four times the amount of the premium paid upon the binding, or if no premium, or a less premium than Fifty Rupees was paid, not exceeding Two Hundred Rupees; and, if the offender shall not pay the sum so assessed, may levy the same by distress and sale of his goods and chattels, and if the offender shall not be the master but his agent, by distress and sale of the goods and chattels of the master also.

XIV. No contract of apprenticeship shall be cancelled, nor shall any master or his agent be liable to any criminal proceeding, on account of such moderate chastisement for misbehaviour, given to any apprentice by his master or the agent of his master, as may lawfully be given by a father to his child; and the provision for enabling the contract of apprenticeship to be cancelled shall not bar any criminal proceeding against any master or his agent for an assault or other offence committed against his apprentice, for which he would be liable to be punished, had it been against his child; whether or not any proceedings be taken for cancelling the contract of apprenticeship.

XV. Upon complaint made to any Magistrate, by or on behalf of the master of any apprentice bound to him under this Act, of any ill-behaviour of such apprentice, or if such apprentice shall have absconded, the Magistrate may issue his warrant for apprehending such apprentice, and may hear and determine the complaint, and punish the offender by an order for keeping the offender, if a boy, in confinement in any debtor's prison or other suitable place, not being a criminal gaol, for any time not exceeding one month, of which one week may be in solitary confinement, during which time such allowance shall be made for his subsistence by the master or his agent as the Magistrate shall order; and,

if the offender be a boy of not more than fourteen years of age, may order him to be privately whipped: or, if the offender be a girl, or in the case of any boy, the Magistrate deem any such punishment unfit, he may pass an order empowering the master of the apprentice or his agent to keep the offender in close confinement in his own house, or on board the vessel to which he belongs, upon bread and water, or such other plain food as may be given without injury to the health of the apprentice, for a period not exceeding one month.

XVI. Upon complaint of wilful and repeated ill behaviour on the part of the apprentice, and on the demand of the master, the Magistrate may order the contract of apprenticeship to be cancelled, whether or not the charge is proved; but only with the consent of the apprentice and of his father or guardian, if the charge is not proved: and such cancelling shall be with or without refund of the whole or part of any premium that may have been paid to the master on binding such apprentice, as to the Magistrate seems fit on consideration of the case; and all sums so refunded shall be applied under the direction of the Magistrate for behoof of the apprentice.

XVII. The Magistrate may order any sum recovered for behoof of the apprentice on cancelling the contract to be either laid out in binding him to another master, or otherwise for his benefit, or to be paid to the person by whom any premium was paid when he was bound apprentice.

XVIII. No Magistrate shall entertain a complaint on the part of a master against an apprentice under this Act, unless it be brought within one month after the cause of complaint arose; or, if the cause of complaint arose on board ship during a voyage, within one month after the arrival thereof at a port or place in the said territories: and no Magistrate

trate shall entertain a complaint on the part of an apprentice against his master or the agent of his master under this Act, unless it be brought within three months after the cause of complaint arose; or if the cause of complaint arose on board ship during a voyage within three months after the arrival thereof at a port or place in the said territories.

XIX. If the master of any apprentice shall die before the end of the apprenticeship, the contract of apprenticeship shall be thereby determined; and a proportionate part, corresponding to the unexpired portion of the term, of any premium, which shall have been paid to such master on the binding of the apprentice to him, shall be returned by the executors or administrators out of the estate of the deceased to the person or persons who shall have paid the same; unless the executors or administrators of the deceased master shall continue the business in which such apprentice shall have been employed, and shall, within three months from the death of the late master, make offer in writing to keep the apprentice on the terms of the original contract; in which case the estate of the deceased shall be discharged from all liabilities on account of such premium.

XX. If such offer to keep the apprentice shall be made as aforesaid, the same shall be fully expressed and certified by the executors and administrators on the original contract of apprenticeship; and also on the office copies thereof, by the Magistrate or Registering Officer; and the apprentice shall be bound to the executors or administrators so keeping him for the remaining term of his apprenticeship.

XXI. Any apprentice bound under this Act, whose master shall die during the apprenticeship, shall be entitled to maintenance for three months

months from and after the death of his master, out of the assets left by him; provided that during such three months such apprentice shall continue to live with, and serve as an apprentice, the executors or administrators of such master, or such person as they shall appoint.

XXII. The apprentice of any person against whom a Commission of Bankruptcy shall be issued, or who shall be adjudged to have committed an Act of Insolvency, during the apprenticeship, shall be discharged from all obligation under the contract of apprenticeship; and, if any premium was paid on binding him as an apprentice, he or the person by whom he was bound shall be entitled to claim the amount thereof, as a debt against the estate of the bankrupt or insolvent.

XXIII. For the purposes of this Act all British subjects, wherever or of whatever parents born, as well as other persons in the territories under the Government of the East India Company, without the Towns of Calcutta and Madras, and the Town and Island of Bombay, shall be amenable to the jurisdiction of the Courts and Magistrates of the East India Company.

XXIV. An appeal shall lie from any order passed by any Magistrate without the said Towns and Island to the Court of Session to which such Magistrate is subordinate, provided the appeal is made within one month from the date of the order.

XXV. In this Act the words "master," "owner," "person," and the pronoun "he" shall be understood to include several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless there is something in the context repugnant to such construction.

SCHEDULE A.

SCHEDULE A.

Form of Agreement.

This Agreement made the day of in the year between A. B., of and C. D., of witnesseth that the said A. B. doth this day bind E. F., a boy (or girl) of the age of years completed, son (or daughter) of the said A. B. (or otherwise describing the relation in which A. B. and E. F. stand) to dwell with and serve the said C. D., as an apprentice, from this day forth for years (in the case of a girl add, or until the time of her marriage, which shall first happen), during all which term the said apprentice shall duly and faithfully serve the said C. D., according to his (or her) skill and ability in all lawful business, and demean and behave himself (or herself) honestly, orderly, and obediently, in all things toward the said C. D. and his (or her) family. And the said C. D. for himself (or herself) and his (or her) executors and administrators, in consideration (of the premium or sum of paid by the said A. B. to the said C. D., the receipt whereof the said C. D. hereby acknowledges, and) of the faithful service of the said E. F., doth covenant and agree with the said A. B., his (or her) executors and administrators, that he (or she) will teach or cause to be taught to the said E. F., in the best way and manner that he (or she) can, the trade (craft or employment) of a during the said term; and will also, during the said term, find and allow unto the said apprentice good, wholesome and sufficient food, clothes, lodging, washing, and all other things necessary fit and reasonable for an apprentice: (and further, *here insert any special covenants.*)

If there is no premium the words between brackets may be omitted.

In witness whereof the parties have hereunto set their hands and Seals, the day and year above written.

A. B. L. S.

C. D. L. S.

SCHEDULE B.

Form of Order of Assignment.

(To be endorsed on the Agreement.)

Be it known to all men that on the day of in the year personally appeared before G. H., Magistrate of C. D., of with E. F., his (or her) apprentice, and J. K., of and desired that the agreement of apprenticeship, whereby the said E. F. was bound to the said C. D., might be assigned and made over to the said J. K., and the said G. H. having satisfied himself, by personal examination of the said E. F., and by other lawful ways and means, that such assignment is for the benefit of the said E. F., and is made with the consent of (the said E. F., and of) all persons whose consent thereunto by law is required, doth allow such assignment: and the contract of apprenticeship whereby the said E. F. was on the day of in the year bound to the said C. D., as an apprentice to learn the trade (craft or employment) of a shall henceforth

If E. F. is not above the age of fourteen years, the words between brackets may be omitted.

forth endure, unto the end of the said term, as if the said J. K. had been originally party to the said deed, and had executed the same, in the place and stead of the said C. D., and shall be bound, for himself (or herself) his (or her) executors or administrators, to fulfil the covenants by the said C. D., to be performed, and the said E. F. shall henceforth be bound unto the said J. K., in like manner as he (or she) was by the said agreement bound unto the said C. D.

C. D. E. F. J. K.

In witness whereof the said C. D., E. F. and J. K. have hereunto set their hands before me the day and year above written.

G. H., Magistrate.

Calcutta, 1850 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XX. OF 1850.

Passed by the Governor General of India in Council on the 11th April 1850.

An Act for settling the boundaries of the Tributary Mehals in Cuttack.

WHEREAS certain jungle or hill zemindaries in the Zillah of Cuttack, enumerated in Section XXXVI. of Regulation XII. 1805, of the Bengal Code, and the Territory of Mohurbunge, in the same zillah, were temporarily exempted by the said Regulation from the Regulations relating to the settlement and collection of the public revenue, and by Regulation XIII. 1805, of the Bengal Code, were temporarily exempted from the Laws and Regulations for the maintenance of the Police, and for the administration of justice in criminal cases, and whereas doubts have been entertained how disputes as to the boundaries of the said zemindaries are to be determined, It is enacted as follows:

I. Every case in which the boundaries between any of the said zemindaries, or the Killahs of Boad and Atmullick, and an estate subject to the Regulations of the Bengal Code, shall be in dispute, shall be heard, tried and determined in the first instance by the Superintendent of the Tributary Mehals, in Zillah Cuttack, according to such instructions as he shall, from time to time, receive from the Governor of Bengal, and his award, when confirmed by the Governor of Bengal, shall be final and conclusive, and shall be carried into execution by the Superintendent of Tributary Mehals by giving possession of the land in dispute to the parties entitled under his award.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXI. OF 1850.

Passed by the Governor General of India in Council on the 11th April 1850.

An Act for extending the principle of Section IX. Regulation VII. 1832, of the Bengal Code, throughout the Territories subject to the Government of the East India Company.

WHEREAS it is enacted by Section IX. Regulation VII. 1832, of the Bengal Code, that "whenever in any civil suit the parties to such suit may be of different persuasions, when one party shall be of the Hindoo and the other of the Mahommedan persuasion: or where one or more of the parties to the suit shall not be either of the Mahommedan or Hindoo persuasions: the laws of those religions shall not be permitted to operate to deprive such party or parties of any property to which, but for the operation of such laws, they would have been entitled;" and whereas it will be beneficial to extend the principle of that enactment throughout the territories subject to the Government of the East India Company, It is enacted as follows:

I. So much of any law or usage now in force within the territories subject to the Government of the East India Company, as inflicts on any person forfeiture of rights or property, or may be held in any way to impair or affect any right of inheritance, by reason of his or her renouncing, or having been excluded from the communion of any religion, or being deprived of caste, shall cease to be enforced as Law in the Courts of the East India Company, and in the Courts established by Royal Charter within the said territories.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXII. OF 1850.

Passed by the Governor General of India in Council on the 13th April 1850.

An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

WHEREAS it is expedient that the Governor General should visit the North-Western Provinces and other parts of India, unaccompanied by any Member of the Council of India, It is enacted as follows:

I. During the absence of the Governor General from the Council of India, it shall be lawful for the Governor General alone to exercise all the powers which may be exercised by the Governor General in Council, except such powers as may by a Resolution of the Governor General in Council be exercised by the President in Council during the absence of the Governor General, and except the power of making Laws and Regulations.

II. This Act shall commence from the day on which it shall be notified by an order published in the Official Gazette, that the Governor General has quitted Culcutta for the purpose of so proceeding as aforesaid.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXIII. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 8th June 1850, with the assent of the Most Noble the Governor General of India.

An Act for securing the Land Revenue of Calcutta.

WHEREAS it is expedient that the Land Revenue, accruing due to the East India Company within Calcutta, be ascertained and collected in as summary a manner as in other parts of the Territories under the Government of the East India Company, It is declared and enacted as follows:

I.—All Assessable Lands, not the property of the East India Company, within the Town of Calcutta, of which the rate of Assessment is not known, or which have not heretofore been assessed, shall be assessed at the rate of three annas for each Cottah.

II. Lakhiraj tenures of Land in Calcutta, of which uninterrupted possession has been held, exempt from Assessment for sixty years, shall be valid: no other Lakhiraj tenures of Land in Calcutta shall be deemed valid, unless the same are or shall be held under an unexpired grant from the British Government.

III. If

III. If any owner of Land within Calcutta, or any person holding Land within Calcutta on lease from the East India Company shall, upon the written demand of the Collector, refuse or neglect to pay any sum at which the Land is assessed, or for which he is liable under his lease, the Collector may levy the same, by distress and sale of the Goods and Chattels, wherever found, of such owner or lessee, or, after written demand upon the tenant or occupier, and his refusal or neglect to pay the sum lawfully demanded, by distress and sale of any Goods and Chattels found upon the Land, in the manner appointed for regulating distress for small rents in Calcutta by Act VII. 1847: and, for the purpose of any such distress and sale, the Collector shall have all the powers of a Commissioner of the Court for Recovery of Small Debts referred to in the said Act, and the Collector shall have power to appoint any of his Officers to perform the duties of Bailiffs and Appraisers, and of the Chief Clerk of the said Court, as provided by the said Act, and all the provisions of the said Act relating to the said Commissioners and their Court shall be deemed to apply to the said Collector and his Office in the execution of this Act.

IV. In the case of payment by any tenant or occupier, not holding immediately under the East India Company, or the seizure and sale of his property, he may deduct the amount of the payment or levy from the next payment of rent to his landlord.

V. The claim of the East India Company for Land Revenue or rent has priority over all other claims upon the land or to which property distrained upon the land may be liable.

VI. If the Collector's claim for arrears of rent is disputed, the process of distraint and sale shall not be stayed, unless the amount claimed be lodged with the Collector.

VII. Arrears

VII. Arrears of rent or revenue which shall become due to the East India Company within the Town of Calcutta, after the passing of this Act, shall be recoverable at any time within six years next after the same are due, or next after an acknowledgment of the same in writing has been given by the person by whom the same is payable or his Agent, and not afterwards.

VIII. When a claim to hold Land Lakhiraj, or free of Assessment, shall be set up under this Act, the Collector shall inquire into the claim, taking such evidence as the claimant may offer, or the public Records supply, and shall report his proceedings and decision in the case for the consideration of the Revenue Commissioner. If the Commissioner is satisfied of the validity of the claim, he shall make an order accordingly, and such order shall be final. If he is not satisfied of the validity of the claim, he shall direct the Collector to assess the Land, leaving the claimant to contest the Collector's demand in the Civil Courts as herein provided.

IX. Any person obstructing or molesting the Collector, or any of his Subordinate Officers in the execution of their duty, shall, on conviction before a Magistrate of the Town of Calcutta, be liable to a fine not exceeding Five Hundred Rupees, and in default of payment to imprisonment in the Common Jail for a term not exceeding six months, or until the fine is sooner paid.

X. The Collector may punish any contempt committed in his presence, in open Cutcherry or Office, by fine, not exceeding Two Hundred Rupees, and in default of payment by imprisonment in the Common Jail for a term not exceeding one month: from every such order or fine or imprisonment an appeal shall lie to the Commissioner, whose decision shall be final.

XI. The

XI. The Collector shall act in the execution of this Act under the usual controul of the Superior Revenue Authorities.

XII. The Ground Rents payable to the East India Company from Lands in Calcutta are Revenue, within the meaning of the Act of Parliament 21 Geo. III. C. 70, and the Supreme Court of Judicature established by Royal Charter at Fort William in Bengal has not any civil jurisdiction concerning the said Ground Rents, or concerning any thing ordered or done in the Assessment or collection thereof.

XIII. All actions concerning any trespass or injury committed by any Revenue Officer acting under colour of this Act, or concerning any claim in respect of any goods taken by or any monies paid to any Revenue Officer under this Act, or concerning any claim of rent or revenue on the part of the East India Company under this Act, shall be tried and determined in the Civil Courts established by the East India Company at the Sudder Station of the Twenty-four Pergunnahs: notwithstanding that the cause of action, in respect of which such action is brought, arose, or the defendant therein reside, within the limits of the Town of Calcutta: and every such action shall be brought within six months after the cause of action arose, and not afterwards.

XIV. The words 'Collector' and 'Commissioner' used in this Act shall be taken to mean any person lawfully appointed to exercise the powers of Collector and Commissioner respectively.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXIV. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 8th June 1850, with the assent of the Most Noble the Governor General of India.

An Act for better defining the special duty levied on Tobacco in Bombay.

WHEREAS the laws in force respecting the special duty payable on Tobacco imported into Bombay are obscure, and require to be explained and amended, It is declared and enacted as follows:

I. Regulations XXXIII. 1827, and XV. 1828, of the Bombay Code, and so much of Act I. 1838, as relates to the customary, or special duty levied on the import of Tobacco into the Island of Bombay, are rescinded and repealed.

II. All Tobacco imported into the Island of Bombay, either by Sea, or across any of the Causeways, from whatever port or place it is brought, is and shall continue to be liable to the payment of a special duty levied at the rate of Seven Rupees and Eight Annas for the Indian maund, which duty shall be paid over and above the customary duty of One Rupee and Eight Annas, at the option of the importer, either on importation,

tation, or, after being warehoused in the Custom House Warehouse, on being delivered out for internal consumption.

III. No drawback of the said duty shall be allowed on exportation, unless the Tobacco has been warehoused in and is exported direct from the Custom House Warehouse; in which case a drawback of the whole of the special duty shall be allowed, if claimed at the time of re-exportation.

IV. This Act shall not be taken to affect the provisions and penalties of any Act or Regulation for enforcing payment of the special duty, which shall continue in force for compelling payment of the duty as declared payable by this Act, and for punishing any evasion of such payment.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXV. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 14th June 1850, with the assent of the Most Noble the Governor General of India.

An Act for the forfeiture to Government of Deposits made on incomplete Sales of Land under Regulation VIII. 1819, *and Act IV.* 1846.

WHEREAS Putneedars and Judgment Debtors fraudulently avail themselves of the provision in Section IX., Regulation VIII. 1819, of the Bengal Code, and in Section V., Act IV. 1846, that forfeited deposits at Sales of Land in execution of decrees or for arrears of rent shall be applied as if they were purchase money, It is enacted as follows:

I. So much of Section IX., Regulation VIII. 1819, of the Bengal Code, and of Sections V. and IX., Act IV. 1846, as provides that the deposit at any sale of Land, or any interest in Land, under the said Regulation or Act, if forfeited, shall be regarded as part of the proceeds of the sale, or applied as if it were purchase money, is repealed.

II. Any such forfeited deposit shall be applied to defray the expences of the sale, and the surplus shall be forfeited to Government.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXVI. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 21st June 1850, with the assent of the Most Noble the Governor General of India.

An Act to enable improvements to be made in Towns.

WHEREAS Act X. 1842, was passed for enabling the inhabitants of any place of public resort or residence, under the Presidency of Fort William, not within the Town of Calcutta, to make better provision for purposes connected with public health and convenience, but the said Act has proved ineffectual for the purpose, and it is expedient to amend the provisions thereof, and to extend the like powers to the inhabitants of Towns in the other Presidencies under the Government of the East India Company, It is enacted as follows:

I. Act X. 1842, is repealed.

II. If it shall appear to the Governor or Governor in Council, or Lieutenant Governor, of any Presidency or Place within the Territories under the Government of the East India Company, that the inhabitants of any Town or Suburb, not within the Town of Calcutta, Madras, or Bombay, are desirous of making better provision for making, repairing, cleaning,

cleaning, lighting, or watching any public streets, roads, drains, or tanks, or for the prevention of nuisances, or for improving the said Town or Suburb in any other manner, the said Governor or Governor in Council, or Lieutenant Governor, may order this Act to be put in force within such Town or Suburb.

III. Whenever any application shall be made to the Government for putting this Act in force in any Town or Suburb, notice thereof shall be given in the *Government Gazette* of the Presidency, or place, and also by proclamation within such Town or Suburb, setting forth the purposes of the application, and giving reasonable time for all inhabitants of such Town or Suburb, who are minded to declare themselves for or against the adoption of this Act therein, for such purposes or any of them.

IV. The Governor or Governor in Council, or Lieutenant Governor, shall take all such declarations into due consideration, and after the time allowed for receiving the same, shall make a final order, which shall be published in the *Government Gazette*, and also notified by proclamation within such Town or Suburb, to the effect that the application appears, or does not appear, to be according to the wishes of the inhabitants, either wholly, or in respect to one or more of the purposes in respect of which it is made; and if the whole or any part of it shall appear to be according to the wishes of the inhabitants, then that this Act shall be thenceforth in force in such Town or Suburb, for such purposes only as shall be mentioned in the order.

V. Whenever any such order shall be made and published as aforesaid, this Act shall come into force within the said Town or Suburb, for such purposes as are mentioned in the Order, and the making and publication of the said Order shall be conclusive evidence that the provisions

of

of this Act has been complied with, and that it is thenceforth in force within the said Town or Suburb, for such purposes as are mentioned in the Order.

VI. Whenever this Act shall come into force in any Town or Suburb, the Governor or Governor in Council, or Lieutenant Governor, shall appoint the Magistrate and such number of the inhabitants thereof as to him shall appear necessary, to be Commissioners for putting the Act in force, and shall give authority to them to prepare Rules for more effectually accomplishing the purposes for which they are appointed; which Rules, when approved by the Governor or Governor in Council, or Lieutenant Governor, shall be of the same force within the said Town or Suburb, until altered or rescinded as hereinafter provided, as if they were inserted in this Act. And the said Governor or Governor in Council, or Lieutenant Governor, may remove any of the Commissioners and appoint others, and may fill up vacancies occurring among the Commissioners in such manner as may seem to him fit.

VII. The Rules to be prepared by the said Commissioners shall provide, among other things, for those following, that is to say:

1. The appointment and management of all necessary Officers and Servants of the Commissioners, and the salaries to be allowed to them.

2. The definition of the persons of property within the Town or Suburb to be taxed for raising the monies necessary for the purpose of this Act, whether by House Assessment or Town Duties, or otherwise, the amount or rate of the taxes to be imposed, the manner of raising and collecting them, and ensuring the safety and due application of them when collected.

3. The

3. The manner in which from time to time the Rules in force are to be amended or rescinded, and new Rules are to be made, with the approval in every case of the Governor or Governor in Council, or Lieutenant Governor.

4. The definition and prohibition of nuisances within the Town or Suburb.

5. The imposition of reasonable penalties for breach of any Rule made by the Commissioners, not exceeding Fifty Rupees, or in the case of continuing nuisance, not exceeding Five Rupees for every day that such nuisance is continued.

VIII. The Commissioners appointed from time to time shall have full power to make all necessary contracts, for the purposes of this Act, and apply the taxes raised as aforesaid in the necessary works, and in payment of their Officers and Servants, and in the other expenses incident to the execution of this Act within the said Town or Suburb.

IX. No Commissioner shall be personally liable for any contract made by the Commissioners on behalf of the inhabitants of such Town or Suburb; but every Commissioner shall be liable for any misapplication of the monies collected, to which he shall have been knowingly party or privy, or which shall have happened through gross neglect of his duty, and shall be liable to be sued for the same as for money due to, and at the suit of the East India Company.

X. The powers of Act II. 1839, for the recovery of fines, shall be applied for the recovery of all arrears of taxes and penalties under this Act; and every Magistrate shall put in force the powers of the said

Act

Act II. 1839 for that purpose, whenever thereunto required by the Commissioners, or any of their Officers deputed by them for the purposes of enforcing payment of arrears of taxes imposed under this Act.

XI. No rate on property made under this Act shall be invalid for defect of form; and it shall be enough in any such rate on property, or any Assessment of value for the purpose of making such rate, if the property rated or assessed shall be so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

XII. All movable property found in any house or building, or upon any land assessed under this Act may be seized and sold by warrant of a Magistrate for payment of any arrear of tax laid on such house, building or land under this Act.

XIII. All Commissioners acting in execution of this Act shall, on or before the last day of April in every year, make up and send to the Governor or Governor in Council, or Lieutenant Governor, an account of all works executed by them, and of all sums received and spent by them in the foregoing year, in such form and with such vouchers as the Governor or Governor in Council, or Lieutenant Governor, shall from time to time order.

XIV. The Governor or Governor in Council, or Lieutenant Governor may, at any time, suspend the operation of this Act in any Town or Suburb, and appoint any person or persons to examine and report upon the behaviour of the Commissioners, or any of them, or their Officers in the execution of this Act.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXVII. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 21st June 1850, with the assent of the Most Noble the Governor General of India.

An Act for the registry of Merchant Seamen.

WHEREAS it is expedient to form a register of Merchant Seamen, It is enacted as follows:

I. A General Register Office for Merchant Seamen shall be established, at each of the ports of Calcutta, Madras and Bombay, and at such other ports as the Governor General of India in Council shall hereafter deem necessary,

II. For every such Office there shall be a Registrar, with such Assistants, Clerks and Servants, at such salaries and allowances, and subject to such regulations, as shall be, from time to time, directed, with the approval of the Governor General of India in Council, by the Governor, or Governor in Council, of the Presidency or place where the office is established.

III. Each Registrar, before entering on the duties of his Office, shall, with two Sureties, execute a joint and several bond to the East India Company,

Compaany, according to such form as shall be, from time to time, approved by the Governor General of India in Council, conditional for the faithful performance of his duty, and for the due application and account of all monies that shall come to him, as such Registrar, under such amount of penalty as shall be, from time to time, fixed by the Governor, or Governor in Council, of the Presidency or place.

IV. Every person not having a Register Ticket from any port in the United Kingdom of Great Britain and Ireland, who intends to serve, (otherwise than as Master or Surgeon), on board of any vessel navigated from a port within the territories under the Government of the East India Company, and registered as a British Vessel under the Statutes of Parliament and Acts of the Governor General of India in Council, in force, for the time being, for the registry of British Vessels, shall be bound to appear at one of the said Register Offices, for the purpose of procuring himself to be registered, and shall be bound to answer truly, to the best of his ability and knowledge, the several questions set forth in the Schedule (A) annexed to this Act, and such other questions as shall be, from time to time, directed by the Governor General of India in Council, and until so registered shall not be allowed, after the First day of August 1850 to serve in any capacity, (other than Master or Surgeon), on board of any such registered Vessel.

V. The Registrar shall be bound to register every Seaman, who shall appear at his office for that purpose, and truly answer the said questions to the best of his ability and knowledge.

VI. The Registrar shall give to every Seaman whom he shall register a Register Ticket, containing as accurate a description as may be, of such Seaman, in such form as shall be, from time to time, approved by the Governor General of India in Council; for which he shall be

entitled

entitled to take such Fee, not exceeding One Rupee, as shall be, from time to time, allowed by the Governor or Governor in Council; and shall keep recorded in his office a duplicate of every such Register Ticket. The Registrar shall ascertain to the best of his ability, and specify on the Register Ticket, the class or rating of Seafaring persons to which each registered Seaman appears to him to belong; and, from time to time, shall note on any Ticket produced to him for that purpose any superior rating to which the holder of the Ticket appears at that time to be entitled.

VII. Whenever any Seaman shall lose his Register Ticket, he shall apply personally to one of the said Registrars, and shall be bound to answer truly, to the best of his ability and knowledge, all questions which the Registrar, or one of his Assistants shall put to him, touching the time and manner of the loss; and if it shall appear that no fraud has been committed or intended, the Registrar shall furnish another Ticket to him, upon payment of such Fee, not exceeding Five Rupees, beside the common Fee for the issue of a Register Ticket, as the Registrar shall think fit, under the instructions to be issued to him by the Governor or Governor in Council, having regard to the time and manner of the loss of the former Ticket.

VIII. Whenever any registered Seaman shall be committed to prison, or to any house of correction, the Court or Justice of the Peace shall cause his Register Ticket to be delivered to the keeper of such prison or house of correction, who shall keep it during the term of the Seaman's imprisonment, and at the end of the imprisonment give it to him again; and, whenever any registered Seaman shall be sentenced to death or transportation, the person having him in custody shall send his Register Ticket to the office of the Registrar by whom it was issued.

IX. The

IX. The Registrar shall cancel every Register Ticket, which shall come again into his possession; and, from time to time, shall make out lists, shewing the number and name upon every Ticket, cancelled during the twelve months then last past, and of every Ticket, which shall have been represented to him to have been lost, and in respect of which he shall have issued another Ticket during the same twelve months; and shall cause such lists to be published in the *Gazette*, in the English and vernacular language of the port, and shall also send them to the Collector of Customs and principal Officer of Police at such Towns or Ports as shall be directed by the Governor or Governor in Council, to be by them respectively exhibited in some conspicuous part of the Custom House and Police Office; and copies of such lists shall be sent to the Master Attendant at every such port, and shall be delivered to any Master or Owner of a registered Vessel on application, and on payment of a Fee of One Rupee.

X. The Master of any such Vessel shall not at any port in the said Territories, after the said First day of August, engage or employ, for the purpose of going to sea in his Vessel, any unregistered Seaman, or any Seaman having a cancelled Register Ticket; and shall cause to be delivered to him the Register Ticket of every Seaman, whom he shall so engage at any such port, after the said First day of August, before putting to sea, which Ticket the Master shall keep safely (unless in the cases herein mentioned) until the end of the service of such Seaman with him, and shall then give it back to the Seaman to whom it belongs: and every Master of a Vessel, who shall wilfully offend against this enactment, shall be liable to a penalty, not exceeding One Hundred Rupees, for each Seaman so unlawfully engaged or employed.

XI. Every person applying for a Register Ticket, who shall wilfully give a false answer to any question, which the Registrar or his Assistant

Assistant is entitled to ask of him, or wilfully make any false statement before the Registrar or his Assistant as to the loss of any Register Ticket, shall be liable to a penalty, not exceeding Fifty Rupees.

XII. Every person, who shall wilfully alter, deface or destroy any Register Ticket, or counterfeit any such Register Ticket, or transfer or traffic in any such Ticket, issued or purporting to be issued under this Act, shall be liable to a penalty, not exceeding One Hundred Rupees.

XIII. Every person, who shall become possessed of any Register Ticket, other than that lawfully issued to him, (except Masters of Vessels and others directed to keep any such Tickets by this Act), either by the death of the Seaman to whom it belonged or otherwise, shall forthwith send it to the Registrar of the port whence it was issued, and in default of so doing, shall be liable to a penalty, not exceeding One Hundred Rupees.

XIV. Every Seaman, tendering to the Master or Owner of any Vessel a cancelled Register Ticket, or any Ticket not lawfully issued to him, shall forfeit to the Owner all wages accruing to him during the service for which he shall have agreed.

XV. All penalties, directed by this Act, may be imposed on summary conviction before a Magistrate or Justice of the Peace, and may be recovered with costs, as if they were imposed by a Magistrate under Act II. 1839.

XVI. The Fees received by the Registrar shall be applied toward defraying the expenses of this Act; beside which, a yearly duty of One

Anna

Anna per ton shall be levied for the same purpose on all Vessels of the burden of one hundred and fifty tons and upwards, navigated to or from the ports within the Territories under the Government of the East India Company; and the production of a certificate of payment at one port of Registry shall free the same Vessel at all others during the current year, to be reckoned from the First day of January to the last day of December.

SCHEDULE A.

1. What is your name and surname?
2. What is your father's name, and usual dwelling-place?
3. Have you been registered before?
4. Where were you born?
5. When were you born?
6. When did you first go to sea?
7. In what capacity did you first go?
8. In what capacity have you since served?
9. Have you served in the Royal or Indian Navy? or in the Marine of the East India Company?
10. If you have, how long? and in what Ships? and in what capacity?
11. Have you been in Foreign Service?
12. If you have, how long? and in what capacity? and under what Flag?
13. How have you been generally employed at sea?
14. Where do you usually live when unemployed?

SCHEDULE B.

SCHEDULE B.

Names and numbers of the Register Tickets of the Crew (including Apprentices) now serving on board the of the Port of of the burden of Tons, on taking departure from the Port of in the East Indies, bound on a voyage to

Number and date of Ship's Register.	Name.	Capacity.	Number of Register Ticket.

Dated this day of 18

Master.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXVIII. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 21st June 1850, with the assent of the Most Noble the Governor General of India.

An Act for the encouragement of Merchant Seamen.

FOR the encouragement and protection of Merchant Seamen, It is enacted as follows:

I. The Master of any Vessel, navigated from any port within the territories under the Government of the East India Company, where a Registrar of Seamen is or shall be appointed under Act XXVII. 1850, registered as a British Vessel under any Statute of Parliament, or Act of the Governor General of India in Council, in force for the time being, for the Registry of British Vessels, except Country Craft not exceeding the burden of 300 tons employed only in Coasting voyages, shall not put to sea on any day after the First day of August 1850, until an agreement, executed as hereinafter provided, shall have been made by him with such of his Crew as are shipped at any port within the said territories, specifying what wages each Seaman is to receive, and the quantity and quality of provisions he is to receive, the capacity in which each is to act, or serve,

and the voyage in which the Vessel is to be employed, or the length of time that each is to serve.

II. Every such agreement shall be in the form set forth in Schedule (A) annexed to this Act, or such other form as shall be, from time to time, approved by the Governor General of India in Council, and shall be properly dated, and shall be signed by the Master and the greater number of Seamen shipped at any port in the said territories, of each kind of rating belonging to the Vessel, on behalf of the Crew, respectively, in the presence of the Registrar of Seamen, or by some one appointed by him for that purpose, who, after hearing the agreement read over and explained to each Seaman by whom it is to be signed, in a language understood by him, shall, if the Seaman assent, cause him to put his signature or mark thereunto, and shall attest the same by his own signature, and shall keep recorded in his office a duplicate of such agreement executed and attested as aforesaid. Every Seaman shipped on board such Vessel, and not being an Apprentice, shall be entitled to have the benefit of such agreement, according to his rating, as if it were executed by him.

III. Every copy of such an agreement, certified by the Registrar to be a true copy, shall, in all cases, be taken as evidence of the contents thereof on behalf of the Seamen; and no Seaman shall, in any case, be required to produce such agreement, or such copy as aforesaid, or to give notice for the production thereof; but, if the agreement shall not be produced and proved, he shall be at liberty to prove the contents or purport thereof, or to establish his claim by other evidence, according to the nature of the case.

IV. No Seaman, shipped under this Act, shall, by reason of any agreement, forfeit his lien upon the Ship, or be deprived of any remedy

for

for the recovery of his wages to which he would otherwise be entitled, against any person or persons whatever; and no agreement, contrary to, or inconsistent with this Act, nor any clause, contract or engagement, whereby any Seaman shall consent or promise to forego, or give up any right or claim to wages in the case of freight earned by a Ship afterwards lost, or any right or claim to salvage or reward for salvage services, or such share of salvage or reward for salvage services as may be due to him by decree or award, or otherwise, shall be binding on such Seaman.

V. The wages of any Seaman engaged to serve on any Vessel under this Act, shall be calculated by the calendar month.

VI. If any Seaman, serving under the provisions of this Act, shall, by a writing, according to a form set forth in Schedule (B,) annexed to this Act, or such other form as shall be, from time to time, approved by the Governor General of India in Council, attested by the signature of the Registrar or his Assistant, and by the signature of the Master of the Vessel on which he is engaged to serve, and in which writing the purpose shall be stated, authorize the said Registrar to receive monthly from the Owner of the said Vessel or his Agent, any part of his wages, not exceeding one-third thereof, for the time for which he shall not have received any advance, for the purpose of maintaining his family during his absence, the said Owner or his Agent shall, on demand of the said Registrar, pay such sum to him, to be applied as aforesaid, without requiring any proof from the said Registrar that the said Seaman is still on board the said Vessel.

VII. All such payments, whether by the Owner, his Agent or by the Registrar, shall cease from and after the production of a certificate from the Master of the Vessel, of the death, desertion or discharge of the said Seaman, or on reasonable evidence that the Vessel has been lost;

but

but no payment, actually made by the Registrar to the party appointed by the said Seaman, shall be reclaimable by reason of his death, desertion, or discharge, or of the loss of the Vessel.

VIII. All such receipts and payments shall be entered in a book, and all entries in the said book shall be authenticated by the Registrar under his signature, or the signature of his Assistant; and the said book shall be, at all times, open to the inspection of the parties concerned.

IX. At the time of witnessing the execution of the agreement for service, the Registrar shall explain to the Seamen, parties thereunto, the conditions on which they can allot a part of their pay to their families during their service; and it shall be the duty of the Registrar to see that all Seamen leaving the port have the option of allotting part of their pay as aforesaid.

X. The Master of every such Vessel, before leaving any Port of Registry, shall deliver to the Registrar a list, signed by himself, of the name of every Seaman engaged by him in the territories under the Government of the East India Company, (including Apprentices), with their rating and the number of their Register Tickets, according to such form as shall be, from time to time, approved by the Governor General of India in Council; and, if he shall not have engaged any Seaman within the said territories, the Master shall deliver to the Registrar a certificate of the fact signed by himself; and, on receiving the said list or certificate, and on being satisfied of its truth, the Registrar shall give to the Master a certificate under his hand, that the Master of such Vessel has complied with the regulations of the Registry Office. Every Master of any such Vessel, who shall leave a Port of Registry, without delivering such list or certificate as aforesaid, shall be liable to a penalty, not exceeding Two Hundred Rupees.

XI. For

XI. For the purpose of preventing any Seaman from being shipped on board of any Vessel in any Port of Registry, contrary to the provisions of this Act, the Registrar of the Port, by himself, or his Agents, in a peaceable manner, may enter at any time on board of any such Vessel, and muster and examine the several Seamen employed therein; and any person, who shall obstruct the said Registrar or his Agents in such duty, shall be liable to a penalty not exceeding One Hundred Rupees.

XII. In cases when the Registrar shall have reason to believe that any of the provisions of this Act has been evaded or neglected by the Master, Owner or Agent of any Ship about to go to sea, the Registrar, by a writing under his hand, may stay the grant of a port-clearance by the Master Attendant; and every Master Attendant shall comply with the written requisition of the Registrar in this respect.

XIII. The Master of every such Vessel, on which any Seaman engaged under this Act may be serving, shall, within seven days after the arrival of such Vessel at the port where the voyage ends, or after the end of the service, according to the agreement entered into, in accordance with this Act, pay or cause to be paid to such Seamen the wages remaining due to them for their services, taking a receipt from each man for the amount paid to him, either separately or on a general list, which receipt shall be certified by the Chief or Second Officer, or other credible witness, and otherwise shall be of no force or validity.

XIV. Every Master or Owner, who shall neglect or refuse to pay any Seaman's wages, within the time mentioned in the last Section, shall forfeit and pay to such Seaman the amount of two days' pay, to be recovered as wages, for each day, not exceeding ten days in the whole, during which such payment has been delayed without sufficient cause.

XV. If any Seaman, to whom any wages are due, die before the wages due have been paid, then the wages shall be paid to the Registrar of the Port of Registry at which the Ship shall first touch after his death, and the Registrar shall pay the same to his legal representative, and failing such legal representative, after the expiration of twelve months from the First of January next following the day on which he shall have received the said balance, into the Treasury of the East India Company, after having given due notice of such unclaimed balance being in his possession, by advertisement in the *Gazette*, at least twice during such period.

XVI. Every Master of a Vessel, who shall be convicted before a Magistrate of having neglected to pay to the Registrar, within ten days of the Ship's arrival in the port as aforesaid, the wages due to deceased Seamen, shall forfeit three times the amount of wages so neglected to be paid; and further shall be subject to such fine, not exceeding One Hundred Rupees, for each case of neglect, as to such Magistrate shall seem fit.

XVII. Whenever nay Merchant Vessel, navigated and registered as is mentioned in Section I., and not having been wrecked or condemned, shall be sold or disposed of at any port out of the territories under the Government of the East India Company, or whenever the service of any Seaman shall end at any such port, the Master shall give to each Seaman a Certificate of discharge, and his Register Ticket, and also either provide for him fit employment on board some other such Vessel bound to some port within the said territories, or provide for him a passage to the port at which he was shipped, or such other port as may be agreed on, either free of cost, or by depositing with the British Consul or Vice Consul, or if there be none such, with some resident Merchant of the port not interested in the Vessel, such a sum of money

as shall be, by him, deemed reasonably enough to pay the expenses of his subsistence and passage, which money shall be paid over and above any wages which may be due to him.

XVIII. If the Master shall neglect or refuse to provide employment, or the means of passage, for any of his Crew as mentioned in the last Section, the expense of doing so, when defrayed, shall be a charge on the Owner of the Vessel, unless in cases of barratry, wreck or condemnation, and may be recovered with full costs of suit from such Owner as so much money paid on his account, at the suit of the Consul or any other person defraying such expenses, or at the suit of the East India Company, in case the same has been paid or allowed out of any monies belonging to the East India Company; and, if defrayed by the Seaman himself, may be recovered as wages due to him.

XIX. The obligations of the last two Sections shall not apply to such of the Crew as shall consent, in writing, before the British Consul or Vice Consul, or if there be no British Consul or Vice Consul at the port, before one or more resident Merchants not interested in the Vessel, to be then and there discharged.

XX. In all cases of wreck or loss of the Ship, every Seaman then on board shall be entitled to his wages up to the time of the wreck or loss, whether or not the Ship has earned freight; provided he shall produce, from the Master or Chief Surviving Officer of the Ship, a Certificate that he did his best to save the Ship, Cargo and Stores.

XXI. Every Seaman shall be entitled to receive an increase of his wages for every day on which the allowance of provisions, which it was agreed he should receive, shall be reduced, at the rate of One Anna daily, while the reduction is not more than one-third of the quantity, and Two

Annas

Annas daily, while the reduction is more than one-third: and these pecuniary allowances shall be recoverable as his other wages are.

XXII. No assignment or sale of Seamen's wages, salvage or prize money, made before the accruing thereof, nor any Power of Attorney expressed to be irrevocable, for the receipt of any Seaman's wages, salvage or prize money, shall be valid or binding on the party making the same; and any attachment, to be issued out of any Court, shall not prevent the payment of any Seaman's wages, salvage or prize money to him.

XXIII. Every such Vessel shall have always on board a sufficient supply of medicines and appliances, suitable for diseases and accidents likely to happen on sea voyages, according to such scale as shall be, from time to time, issued by the Superintendent of the Indian Navy, with the approval of the Governor General of India in Council, and published in the *Government Gazettes* at Calcutta, Madras and Bombay; and, in default thereof, the Owner of the Vessel shall be liable to a penalty, not exceeding Two Hundred Rupees, and Five Rupees for every day during which such default shall wilfully continue.

XXIV. Whenever the Master, or any Officer or Seaman of any such Vessel shall receive any hurt or injury in the service of the Vessel, the expense of providing the necessary surgical and medical advice and attendance, with medicines, and for his subsistence, until he shall be cured or shall be brought back to the port from which he was shipped, or other port agreed upon, shall be defrayed, with the cost of his conveyance to such port, by the Owner of the Vessel, without any deduction on that account from the wages of such Master, Officer or Seaman; and, if paid by himself, may be recovered as part of his wages; and, if paid or allowed out of any monies belonging to the East India Company, may be recovered with full costs of suit, as a debt due to the East India Company.

XXV. If

XXV. If any Vessel, on board of which there shall be any Seaman, who has received an advance under this Act, shall, before going on the voyage for which such advance shall have been paid, be destroyed or injured by fire, or other cause, so as to prevent her going on her then intended voyage, or if such voyage shall be discomfited at the beginning, or before the advance has been worked out, the Master, Owner or Agent of such Vessel may demand from such Seaman, unless he shall pay back the amount so advanced to him, service to the full amount of the advance received by him, on board of any other Vessel; and such Seaman, until he has worked out such advance, shall not be entitled, without the consent of such Master, Owner, or Agent, to take service in any Vessel other than that on which he is so required to serve; and any such Seaman, who shall refuse to work out such advance on board such other Vessel, on summary conviction of his refusal before any Magistrate or Justice of the Peace, shall be liable to be imprisoned, with hard labour, for any term not exceeding six months.

XXVI. The Registrar of Seamen may grant, from time to time, to such persons as he may deem fit, a license to act as broker for procuring Seamen for Vessels shipping men under this Act, and also a license to the keeper of any lodging-house for Seamen, enabling him to allow Seamen to be engaged at his house, and also may revoke and annul such license on the misconduct of any such person: and every such license shall be granted for such term, upon such conditions and upon such security given, as the said Registrar shall, from time to time, appoint.

XXVII. Every person, not licensed as aforesaid, and not being the Owner, part Owner, Master, or person in charge of the Vessel, on board of which the men are to serve, who shall hire or engage a Seaman, to be entered on board any Merchant Ship, at any Port of Registry, and every person, whether licensed or not, other than the Owner, part Owner, Mas-

ter, or person in charge of the Merchant Ship, on board of which the men are to serve, who shall demand or obtain the Register Ticket of any Seaman, for the purpose, or under the pretence of engaging him on board of any Merchant Ship, and every person, whether or not licensed as aforesaid, who shall ask or take, directly or indirectly, from any Seaman any fee, reward, or other valuable consideration, for hiring or engaging or endeavouring to hire or engage him on board of any Merchant Ship, shall be liable to a penalty, not exceeding Five Hundred Rupees.

XXVIII. Every licensed broker, who shall engage any Seaman at any punch-house or tavern, not being a licensed lodging-house for Seamen as aforesaid, or who shall be directly or indirectly interested in any punch-house or tavern not being a licensed lodging-house for Seamen as aforesaid, shall forfeit his license.

XXIX. Every person, who shall persuade or endeavour to persuade, or hinder any Seaman, from complying with any of the privisions of this Act, or who shall counsel such Seaman to desert, or who shall conceal, or aid in concealing or maintaining any Seaman, who has deserted, shall be liable to a penalty, not exceeding Five Hundred Rupees.

XXX. If a Seaman, engaged under this Act, shall at any time, whether before or during any voyage, neglect or refuse to join the Vessel, on board of which he shall have engaged to serve, or shall refuse to go to sea in such Vessel, or shall absent himself therefrom, without leave, or shall desert, any Justice of the Peace or Magistrate in the territories under the Government of the East India Company, at or near to the place where such Vessel shall happen to be, or where such Seaman shall be found, upon complaint made upon oath, by the Master, Mate or Owner, or his Agent, may issue his warrant, and cause such Seaman to be taken into custody, and brought before him; and upon, due proof of

such

such neglect, refusal, or absence, without reasonable excuse, or of desertion, may commit such Seaman to prison, or to the house of correction, there to be imprisoned, with or without hard labour, for a term not exceeding thirty days; or, if he shall think fit, at the request of the Master, Mate, or Owner, or his Agent, instead of committing such Seaman, may cause him to be taken on board the said Vessel, or to be delivered to the Master, Mate, or Owner, or his Agent, for the purpose of being so taken and going on the voyage; and also may award to the Master, or Owner, or his Agent, such costs incurred in the apprehension of the Seaman, as to such Justice or Magistrate shall seem reasonable, not exceeding, in any case, the sum of Twenty Rupees, which shall be chargeable against, and may be deducted from the wages of such Seaman.

XXXI. Every Seaman, engaged under this Act, who, during the term of his service, shall wilfully, and, without leave, absent himself from the Vessel, or otherwise from his duty, shall, (in all cases, not of desertion, or not treated as such by the Master), forfeit, out of his wages, the amount of two days' pay, and for every twenty-four hours of such absence the amount of six days' pay, or, at the option of the Master, the amount of such expenses as shall have been necessarily incurred in hiring a substitute; and every Seaman, who, while he shall belong to the Vessel, shall, without sufficient cause, neglect or refuse to perform his duty reasonably required of him by the Master, or other person in command of the Vessel, shall be subject to a like forfeiture, in respect of every such offence, and of every twenty-four hours' continuance thereof; and every such Seaman, who, after the Vessel's arrival at her port of delivery, and during the term of his service, shall leave the Vessel without a discharge or leave from the Master, shall forfeit one month's pay out of his wages: Provided always, that no such forfeiture shall be incurred, unless the fact of the Seaman's absence, neglect, or refusal shall be duly entered in the

Log

Log Book, the truth of which entry the Owner, Master, or Agent, in all cases of dispute, shall be bound to substantiate, by the evidence of the Mate, or some other credible witness.

XXXII. Every Seaman engaged under this Act, who shall desert his Vessel, shall forfeit to the Owner all his clothes and effects which he may leave on board, and also all wages and emoluments to which he might otherwise be entitled; provided always, that every desertion be entered in the Log Book at the time, and certified by the signatures of the Master and the Mate, or the Master and one credible witness.

XXXIII. If any Seaman shall desert, during the term for which he has engaged to serve, in any place beyond the Port where he was engaged, and the Master of the Vessel shall engage a substitute at a higher rate of wages than that stipulated in the agreement, to be paid to the Seaman so deserting, the Owner, Agent, or Master of the Vessel, shall be entitled to recover from the Deserter, by summary proceeding, in the same manner as penalties are by this Act made recoverable, (so far as the same can be applied), any excess of wages or portion thereof which such Owner, Agent, or Master shall pay to such substitute, beyond the amount which would have been payable to the Deserter, if he had duly performed his service: Provided always, that no Seaman shall be imprisoned longer than three calendar months for non-payment of any such excess of wages.

XXXIV. The absence of a Seaman from his Vessel, for any time within twenty-four hours immediately before the sailing of a Vessel from any port, whether before or during any voyage, wilfully or knowingly, without leave, or the wilful absence of a Seaman from his Vessel, at, or for any time, without leave, and in such manner as to shew an intention to abandon his Vessel and not return thereto, shall be deemed desertion.

XXXV. Every

XXXV. Every person, who shall wilfully harbour or conceal any Seaman or Apprentice, who shall have deserted, knowing or having reason to believe such Seaman or Apprentice to be a Deserter, shall, for every such Seaman or Apprentice so harboured or concealed, be liable to a penalty, not exceeding One Hundred Rupees.

XXXVI. No debt, exceeding in amount Three Rupees, incurred by any Seaman after he shall have engaged to serve under this Act, shall be recoverable until the service agreed for shall be ended; nor shall any keeper of a public-house, or of a lodging-house for Seamen, be entitled to detain any chest, tools, or other property of any Seaman, for any debt alleged to have been contracted by him; and in case of such detention of the chest, tools, or other property of a Seaman, any Justice of the Peace or Magistrate at or near the place, upon complaint upon oath to be made by such Seaman, or by any person on his behalf, may enquire into the matter upon oath in a summary way; and, by warrant under his hand and seal, may cause such property to be seized and delivered over to such Seaman; and the person so detaining the same shall be liable to a penalty, not exceeding One Hundred Rupees.

XXXVII. Any Justice of the Peace or Magistrate, within the territories subject to the East India Company, upon complaint made by any three or more of the Crew of any such Vessel, shall survey and examine, or cause to be surveyed and examined, the provisions, water, and medicines, put or supplied on board of the Vessel, for the use and consumption of the Crew; and, if on such survey and examination, it shall be found that such provisions, water, or medicines, are of a bad quality or unfit for use, or not such as should be provided, or there shall not appear to be a sufficient quantity thereof, the Surveying Officer shall signify the same, in writing, to the Master of the Vessel; and, if such Master shall not thereupon provide other fit provisions, water, or medi-

cines, instead of any which may be signified by the said Surveying Officer to be of a bad quality or unfit, or if any such Master shall not thereupon procure the needful quantity of provisions, water and medicines, or shall issue to the Crew any provisions, water, or medicines, which shall have been signified by the Surveying Officer to be of a bad quality, or unfit, he shall, in each of such cases, be liable to a penalty, not exceeding Five Hundred Rupees.

XXXVIII. A place of shelter shall be provided below a well caulked and substantial deck, for the men engaged under this Act, large enough to allow four superficial feet for every man; and if the place allotted be under the Top-gallant Forecastle, such Forecastle deck shall be not less than four feet six inches above the one below it; and in default thereof every man who is unprovided with such adequate shelter shall be entitled to have an increase of his wages, at the rate of Four Annas daily, while he is so unprovided, which shall be recoverable as his other wages are.

XXXIX. All penalties, directed by this Act, may be imposed on summary conviction before a Magistrate or Justice of the Peace, and may be recovered, with costs, as if they were imposed by a Magistrate under Act II. 1839.

XL. All claims for wages or forfeitures due and incurred under the agreements entered into under this Act, may be heard and determined by any Justice of the Peace or Magistrate; and the amount, with costs, awarded by such Justice or Magistrate, shall be recovered from the party against whom the award is made, in the same manner as fines levied under the provisions of Act II. 1839.

XLI. Every person having the charge or command of any Vessel sailing under this Act shall be deemed to be the Master of such Vessel,

within

within the meaning of this Act, and every other person (Apprentices excepted) who shall be employed or engaged to serve in any capacity on board, except as Surgeon, shall be deemed to be a Seaman, within the meaning of this Act; and the term "Owner" shall be deemed to comprehend all the several persons, if more than one, to whom the Vessel belongs, and the term "Agent" shall be deemed to comprehend all the several persons, if more than one, who are Agents of the "Owner."

SCHEDULE (A.)

An Agreement made pursuant to an Act passed by the Governor General of India in Council and numbered No. XXVIII. of 1850, between the Master of the Ship of the Port of and of the burden of Tons, and the several persons whose names are set hereto on behalf of themselves and others shipped on board the said Ship within the territories under the Government of the East India Company.

It is agreed by, and on the part of the said persons, and they severally hereby engage to serve on board the said Ship in the several capacities against their respective names expressed [or from the day of to the day of both inclusive] *(where the intended voyage is to be described as nearly as can be done and the places at which it is intended the Ship shall touch, or, if that cannot be done, the nature of the voyage in which she is to be employed;)* and the said Crew further engage to conduct themselves in an orderly, faithful, honest, careful and sober manner, and to be, at all times, diligent to their respective duties and stations, and to be obedient to the lawful commands of the Master, in every thing relating to the said Ship, and the Materials, Stores and Cargo thereof, whether on board such Ship, in boats or on shore, in consideration of which services, to be duly, honestly, carefully and

and faithfully performed, the said Master doth hereby promise and agree to pay to the said Crew, by way of compensation or wages, the amount against their names respectively expressed. And it is hereby agreed, that any embezzlement, or wilful or careless loss or destruction of any part of the Ship's Cargo or Stores, shall be made good to the Owner out of the wages (so far as they will go) of the Seaman guilty of the same; and if any Seaman shall have entered himself as qualified for a duty for which he shall prove unfit, he shall be liable to a reduction of the rate of wages hereby agreed for, in proportion to his unfitness. In witness whereof the said parties have hereto set their names, on the days against their respective signatures mentioned.

No. and date of Ship's Register.	Place and time of Entry.			Men's names set forth at full length.	Number of Register Ticket.	Name of the Ship in which the Seaman last served.	Age.	Town or Country, where born or place of birth.	Caste or profession.	Amount of Wages per calendar month, Share or Voyage.	Amount of Wages advanced at time of Entry.	Amount of monthly allotment.	Quantity and quality of Provisions per day.	Signature.	Witnesses' signature.
	Day.	Month.	Year.												

hereby declare the truth of all the particulars set forth in this Agreement made at the Port of ( )

this day of 18

Master.

Mate.

SCHEDULE (B.)

ACT No. XXVIII. OF 1850.

SCHEDULE (B.)

Ticket of allotment of wages by a registered Seaman at the Port of I registered Number now serving as on board the Vessel at monthly wages of Rupees, hereby authorize and request the Registrar of Seamen at to receive from the Agents of the one-third of my monthly wages as they become due, after I shall have served the time for which I have received advance, which time will expire on the day of next, and I hereby authorize the Registrar to pay the same to my or the person holding this paper, taking his or their receipt, monthly, on the back hereof.

Calcutta, 1850 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXIX. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 2nd August 1850, with the assent of the Most Noble the Governor General of India.

An Act to amend Act XXXI. 1838 for the Prevention of Poisoning.

FOR amendment of Act XXXI. 1838, relating to the administration of poison, or other deleterious substance, It is enacted as follows:

I. Whoever shall wilfully and maliciously administer to, or cause to be taken by any person, any poison, or any stupifying, or intoxicating drug, or any unwholesome thing, with intent in any of the cases aforesaid to do any permanent, or temporary bodily harm to such person, or with intent to commit, or abet the commission of any unlawful act, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

II. In any case in which any person shall be charged with administering to, or causing to be taken by any other person any poison, or other destructive thing with intent to commit murder, and the offence proved shall amount only to an offence under this Act, he may be punished as if he had been charged with an offence under this Act.

III. This Act shall be construed with and as part of Act XXXI. 1838.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXX. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council, on the 9th of August 1850, *with the assent of the Most Noble the Governor General of India.*

An Act to remove doubts on the Construction of Act I. 1846, *and Act IV.* 1850.

WHEREAS doubts have been entertained whether or not the operation of Act I. 1846, Section VIII., and of Act IV. 1850, Section I., is retrospective, It is declared and enacted as follows:

I. The provisions of Act I. 1846 shall not be deemed to apply to private agreements between parties and their pleaders made before the passing of the said Act.

II. The time allowed for the presentation of petitions of regular appeal in cases appealable to the Sudder Court, in cases decided before the passing of Act IV. 1850, is three months, instead of six weeks, as provided for the future by the last mentioned Act: and all appeals filed before the passing of this Act in such cases within the said term of three months shall be taken to have been presented in due time, and shall be subject to all the forms and rules in force previous to the passing of Act IV. 1850.

III. The

III. The notice, required by Section II. of the last mentioned Act to be given in writing to the appellant, may be given by a notice to be affixed in the Court House of the Sudder Dewanny Adawlut, or in such form and manner as the Court shall order, by a rule to be framed under Act XVII. 1841.

IV. Act IV. of 1850 shall not affect appeals by Paupers, which shall be preferred in all respects as heretofore, excepting that the specific objections to the judgment and detailed reasons for preferring the appeal, may be presented within three months instead of six weeks from the date of permission to appeal as a Pauper.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXXI. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council, on the 9th of August 1850, *with the assent of the Most Noble the Governor General of India.*

An Act for protecting the Salt Revenue in Bombay.

WHEREAS it is expedient to provide for the better protection of the salt excise revenue, and to bring under control the right of opening or continuing salt works within the Presidency of Bombay, it is enacted as follows:

I. A duty of customs shall be levied on salt, passing by land into or out of foreign European Settlements, or Territories declared to be foreign under Section VIII. Act I. 1838, at the same rate as the excise duty leviable on salt within the territories subject to the Presidency of Bombay.

II. The said duty of customs shall be levied in the same manner, and under the same rules and restrictions, and subject to the same penalties, as is prescribed for the levy of duties of customs on goods imported and exported by land by Act I. 1838.

III. Any person who shall be concerned in passing salt, either by land or sea, contrary to the provisions of this or any other Act, shall be punishable with imprisonment for a term not exceeding three months, or fine not exceeding five hundred Rupees, or both.

IV. All salt passed, or attempted to be passed or removed, contrary to the provisions of this or any other Act, and all vessels, carriages

and

and animals used in so passing or removing such salt, and the contents of any package in which such salt may be concealed, shall be liable to confiscation at the discretion of the Governor of Bombay in Council, but may be redeemed on payment of such fine as the Governor in Council, or any Officer or Officers of the Revenue Department to whom the Governor in Council shall think fit, from time to time, to delegate this power, may think reasonable.

V. The Governor of Bombay in Council, or any Officer or Officers of the Revenue Department to whom the Governor in Council shall think fit, from time to time, to delegate this power, may reward informers and other persons through whose means any seizure of salt is made under this or any other Act, out of the proceeds of any such confiscation or of the fine paid in redemption thereof.

VI. No new salt works shall be established, and no old works not in use at the time of passing this Act, or which shall hereafter be abandoned during three consecutive seasons, shall be re-opened, within the territories subject to the Presidency of Bombay, without the permission of the Governor of Bombay in Council; and any person who shall infringe these prohibitions shall be punishable with imprisonment for a term not exceeding three months, or fine not exceeding five hundred Rupees, or both.

VII. The Governor of Bombay in Council may at his discretion suppress any salt work which, on an average of any three years, does not produce yearly at least five thousand Indian maunds of salt.

VIII. Sec. VII. Act XXVII. 1837, shall be applicable to any tracts of country where salt is found.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXXII. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council, on the 16th of August 1850, with the assent of the Most Noble the Governor General of India.

An Act to repeal Act XV. 1836.

WHEREAS the reasons for which Subathoo and the other territories annexed thereto were placed under the control in civil cases of the Court of Sudder Dewanny Adawlut, then at Allahabad and now at Agra, no longer exist, It is enacted as follows:

I. Act XV. 1836 is repealed; except as to all cases and proceedings which at the time of the passing of this Act shall be under consideration by the said Court, which shall be decided, and the orders passed thereon shall be executed, as if this Act had not passed.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXXIII. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 23rd of August 1850, with the assent of the Most Noble the Governor General of India.

An Act for amending the forms necessary for the sale of Putnee Tenures in Bengal.

WHEREAS by Clause 2, Section VIII. Regulation VIII. 1819, of the Bengal Code, it is provided that Zemindars shall be entitled in certain cases to apply for the sale of putnee tenures on which the right of sale for an arrear of rent is reserved, by presenting a petition to the Civil Court of the district, and a similar one to the Collector, and whereas the petition to the Civil Court has not been presented previous to many of such sales, and it is not necessary for protection of the putneedar, It is enacted as follows:

I. After the passing of this Act, it shall not be necessary for the Zemindar in any such case to present a petition to the Civil Court, but a petition to the Collector shall be sufficient.

II. All sales of putnee tenures before the passing of this Act, which were held without presenting such petition to the Civil Court, and for the reversal of which no suit was commenced before the Fourth day of April

April in the year 1850, shall be deemed as valid as if such petition to the Civil Court had been presented.

III. Every putneedar whose tenure shall have been sold before the passing of this Act without such petition having been presented to the Civil Court, and the sale of which is hereby declared valid, shall be entitled to recover in a suit against the Zemindar or person at whose instance the sale has been effected, or his representatives, the amount of any actual loss or damage sustained by such putneedar, by reason only of such sale having been made without the presentation of such petition to the Civil Court.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXXIV. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 23rd of August 1850, *with the assent of the Most Noble the Governor General of India.*

An Act for the better Custody of State Prisoners.

WHEREAS doubts have been entertained whether State Prisoners confined under Regulation III. 1818, of the Bengal Code, can be lawfully detained in any fortress, gaol, or other place, within the limits of jurisdiction of any of the Supreme Courts of Judicature, established by Royal Charter, and it is expedient that such doubts be removed, and the powers of the said Regulation extended to all the territories under the Government of the East India Company, It is enacted as follows:

I. The warrant of commitment of any State Prisoner, under Regulation III. 1818, of the Bengal Code, may be directed to the Sheriff of the gaol of any of the Supreme Courts of Judicature established by Royal Charter in the said territories, or to the Commandant of any fortress, or to the Officer in charge of any gaol or other place, in which it is deemed expedient that such State Prisoner be confined, in any part of the said territories; and such warrant shall be sufficient authority for

for the detention of such State Prisoner in the fortress, gaol or other place mentioned in the warrant.

II. Regulation III. 1818, of the Bengal Code, shall be extended and applied to every Sheriff, Commandant or Officer, having any State Prisoner in custody, under the said Regulation, as explained and extended by this Act.

III. Any State Prisoner, now confined under any such warrant within the jurisdiction of any of the said Supreme Courts, under the warrant of the Governor General in Council, shall be deemed to have been lawfully committed thereunto.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXXV. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 6th of September 1850, *with the assent of the Most Noble the Governor General of India.*

An Act for regulating the Bombay Ferries.

WHEREAS it is expedient to regulate the Public Ferries within the territories subject to the Presidency of Bombay, It is enacted as follows:

I. The Governor of Bombay in Council may declare by Proclamation what Ferries within any part of the territories subject to the Presidency of Bombay, shall be deemed Public Ferries, and at any time hereafter, by a like Proclamation, may establish new Ferries where they are needed, and, from time to time, change the course of any Public Ferry, or discontinue any Public Ferry that is deemed unnecessary.

II. Tolls according to such rates as shall, from time to time, be settled or approved by the Governor of Bombay in Council, shall be levied upon all passengers, carts, carriages, cattle and other animals, and on all goods and merchandise carried over any Public Ferry.

III. No tolls shall be leviable from any body of Soldiery on their march.

IV. Boats

IV. Boats shall be provided under the authority of the Governor of Bombay in Council for each Public Ferry, and Tindals, Boatmen and other persons shall be appointed for their due navigation.

V. At every Public Ferry-station a Toll-keeper shall be appointed with a sufficient Establishment, whose duty it shall be to take the lawful tolls.

VI. A Table of Tolls, written or printed in the English and Native Languages, shall be hung up in some conspicuous place at every Ferry-station, so as to be easily read by all persons crossing the Ferry.

VII. Every Toll-keeper, who shall neglect to hang up and keep in good order and repair such Table of Tolls, or who shall wilfully remove, alter, or deface the same, or allow it to become illegible, shall be liable to a penalty not exceeding Ten Rupees.

VIII. Every Toll-keeper, who shall ask or take any toll other than is allowed by the Table of Tolls, or who shall wilfully delay any passenger, cart, carriage, animal or goods, shall be liable to a penalty not exceeding Fifty Rupees.

IX. Every person crossing at any such Public Ferry, who shall refuse to pay the toll, or who, with intent of avoiding payment thereof, shall fraudulently or forcibly pass by or through any Toll-station without paying the toll, or who shall obstruct any Toll-keeper or any of his Assistants, in any way in the execution of their duty under this Act, and also every person who shall maliciously damage any Toll-bar, Boat, or any other thing employed in or about any Public Ferry, or who shall maliciously remove, alter, destroy or damage any Table of Tolls hung up as hereinbefore directed, shall be liable to a penalty not exceeding Fifty

Fifty Rupees, over and above the value of the damage which he has done.

X. All Public Ferry-boats shall be numbered and registered as the Governor of Bombay in Council shall direct, and the names of all Tindals, or persons placed in charge thereof, and of all Toll-keepers, shall likewise be so registered.

XI. The Magistrate of every Zillah in which there shall be a Public Ferry, and any Magistrate of Police of Bombay, whom the Governor of Bombay in Council may appoint for such purpose within their respective jurisdictions, shall make Rules, subject to confirmation by the Governor in Council, fixing the number of passengers, carts, carriages and animals, and the quantity of goods that may be carried in any public Ferry-boat at one trip, and for the safe and convenient carriage of passengers and property, and for keeping the Ferry-boats in good order, and otherwise for the due discharge of their duty by all Tindals, Toll-keepers and other persons employed at any Public Ferry, and any Tindal, Toll-keeper or other person infringing or disobeying any such Rule, shall be liable to make good any loss or damage which shall have been caused thereby, which may be summarily ascertained by any Magistrate within whose jurisdiction the offence was committed, and the amount thereof may be recovered as any penalty under this Act may be recovered.

XII. The Governor of Bombay in Council may lease any Public Ferry by public auction, or private contract, from year to year, or any longer period not exceeding seven years, on such conditions as he deems advisable, in which case a contract setting forth the conditions on which the Ferry is to be held, shall be executed by the Contractor or Farmer, and security shall by him be given for its due fulfilment.

XIII. The

XIII. The Ferry-boat at any Public Ferry which shall be established between the Island of Bombay and the Main-land, and adjacent Islands, shall cross each way at least once daily unless hindered by stress of weather or other unavoidable accident.

XIV. Every person who, without the special licence of the Governor of Bombay in Council, shall convey for hire any passenger, animal, cart, carriage or goods, from any part of the Islands of Bombay and Colaba across the Harbour of Bombay to the Main-land, or to any of the adjacent Islands, shall be liable to a penalty not exceeding Five Hundred Rupees; but this penalty shall not apply to the carriage for hire of passengers, animals, carts, carriages and goods from one part of the Islands of Bombay and Colaba to another part of either of the said Islands, nor to any person specially hiring any boat for the carriage of himself and family, or friends with their goods and servants across the Harbour of Bombay to the Main-land, or any of the adjoining Islands, nor to the person letting any boat to hire for such purpose.

XV. Every person who shall convey for hire any passenger, animal, cart, carriage or goods across any other arm of the sea, creek or river within the said Presidency, to any point or place on the opposite bank or coast within a distance of three miles on either side above or below any Public Ferry, without the special licence of a Magistrate of the Zillah or Town in which the Ferry is situated, shall be liable to a penalty not exceeding Five Hundred Rupees.

XVI. All offences against this Act shall be summarily heard and determined by the Magistrate of the Zillah within the limits of which the same shall have been committed, and if within the limits of the jurisdiction of the Supreme Court of Bombay by any Magistrate of Police of Bombay. All penalties shall be recovered in the manner directed

directed for the recovery of the fines specified in Clauses 1, 2 and 3, Section XIV., Regulation XIX. 1827, of the Bombay Code.

XVII. All tolls payable on account of any Public Ferry, and all rent payable on account of such of them as are farmed, and all penalties for offences against this Act, shall form a general Fund, which shall be applied, in the first instance, toward the expenses necessary for keeping up all the Ferries throughout the Presidency of Bombay, and the residue, if any, shall be applied under the directions of the Governor of Bombay in Council, in the improvement of the public roads, ways, thoroughfares, leading to and from any of the said Ferries.

XVIII. The Governor of Bombay in Council may appoint such Officers and other persons as shall be necessary for carrying this Act into execution, with such salaries as the Governor General of India in Council shall approve, to be paid out of the Fund produced by the Tolls and Fines as provided by this Act, and the Governor of Bombay in Council may, from time to time, delegate any of the powers conferred on him by this Act to any Magistrate or other person as he thinks fit.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXXVI. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 4th October 1850, *with the assent of the Most Noble the Governor General of India.*

An Act to amend the 113*th Article of War for the Native Army.*

WHEREAS it is expedient that Native Soldiers, when imprisoned, should be treated as European Soldiers are in the like case, as respects subsistence and clothing, It is enacted as follows:

I. From and after the First day of December 1850, so much of the 113th Article of War for the government of the Native Officers and Soldiers in the Military Service of the East India Company as provides for the forfeiture of allowances, and the subsistence of such Officers and Soldiers, when in imprisonment under the sentence of any Court Martial or of any Court of Criminal Judicature, is repealed.

II. From and after the said First day of December 1850, no Native Officer, or Soldier, or Public Follower in the Military Service of the East India Company shall be entitled to pay or allowances, when imprisoned under the sentence of a Court Martial or a commuted sentence, or under the sentence of a Court of Criminal Judicature; but shall be clothed and subsisted at such rates, or in such manner, as the Governor General of India in Council may from time to time order.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXXVII. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 1st November 1850, with the assent of the Most Noble the Governor General of India.

For regulating Inquiries into the behaviour of Public Servants.

WHEREAS it is expedient to amend the law for regulating inquiries into the behaviour of public servants not removable without the sanction of Government, and to make the same uniform throughout the territories under the Government of the East India Company, It is enacted as follows:

I. The following Acts VI. 1838, XXVI. 1839, and XIII. 1843 are repealed, but not so as to revive any Act or Regulation, or part of any Act or Regulation thereby repealed.

II. Whenever the Government shall be of opinion that there are good grounds for making a formal and public inquiry into the truth of any imputation of misbehaviour by any person in the service of the East India Company not removable from his Office without the sanction of the same Government, it shall cause the substance of the imputations to be

be drawn into distinct Articles of Charge, and shall order a formal and public inquiry to be made into the truth thereof.

III. The inquiry may be committed either to the Court, Board or other authority to which the person accused is subordinate, or to any other person or persons, to be specially appointed by the Government, Commissioners for the purpose: notice of which Commission shall be given to the person accused ten days at least before the beginning of the inquiry.

IV. When the Government shall think fit to conduct the prosecution, it shall nominate some person to conduct the same on its behalf.

V. When the charge shall be brought by an accuser, the Government shall require the accusation to be reduced to writing, and verified by the oath or solemn affirmation of the accuser, and every person who shall wilfully and maliciously make any false accusation under this Act, upon such oath or affirmation, shall be liable to the penalties of perjury: but this enactment shall not be construed to prevent the Government from instituting any inquiry which it shall think fit, without such accusation on oath or solemn affirmation as aforesaid.

VI. Where the imputations shall have been made by an accuser, and the Government shall think fit to leave to him the conduct of the prosecution, the Government before appointing the Commission shall require him to furnish reasonable security that he will attend and prosecute the charge thoroughly and effectually, and also will be forthcoming to answer any counter-charge or action which may be afterwards brought against him for malicious prosecution or perjury or subornation of perjury, as the case may be.

VII. At

VII. At any subsequent stage of the proceedings, the Government may, if it think fit, abandon the prosecution, and in such case may, if it think fit, on the application of the accuser, allow him to continue the prosecution, if he is desirous of so doing, on his furnishing such security as is hereinbefore mentioned.

VIII. The Commissioners shall have the same power of punishing contempts and obstructions to their proceedings, as is given to Civil and Criminal Courts by Act XXX. 1841, and shall have the same powers for the summons of witnesses, and for compelling the production of documents, and for the discharge of their duty under the Commission, and shall be entitled to the same protection as the Zillah and City Judges, except that all process to cause the attendance of witnesses, or other compulsory process, shall be served through and executed by the Zillah or City Judge in whose jurisdiction the witness or other person resides, on whom the process is to be served, and if he resides within Calcutta, Madras or Bombay, then through the Supreme Court of Judicature there. When the Commission has been issued to a Court, or other person or persons having power to issue such process in the exercise of their ordinary authority, they may also use all such power for the purposes of the Commission.

IX. All persons disobeying any lawful process issued as aforesaid for the purposes of the Commission shall be liable to the same penalties, as if the same had issued originally from the Court or other authority through whom it is executed.

X. A copy of the Articles of Charge, and list of the documents and witnesses by which each charge is to be sustained shall be delivered to the person accused, at least three days before the beginning of the inquiry,

inquiry, exclusive of the day of delivery, and the first day of the inquiry.

XI. At the beginning of the inquiry, the prosecutor shall exhibit the Articles of Charge to the Commissioners, which shall be openly read, and the person accused shall thereupon be required to plead 'guilty' or 'not guilty' to each of them, which pleas shall be forthwith recorded with the Articles of Charge. If the person accused refuses, or without reasonable cause neglects to appear to answer the charge either personally or by his Counsel or Agent, he shall be taken to admit the truth of the Articles of Charge.

XII. The prosecutor shall then be entitled to address the Commissioners in explanation of the Articles of Charge, and of the evidence by which they are to be proved: his address shall not be recorded.

XIII. The oral and documentary evidence for the prosecution shall then be exhibited: the witnesses shall be examined by or on behalf of the prosecutor, and may be cross-examined by or on behalf of the person accused. The prosecutor shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without leave of the Commissioners, who also may put such questions as they think fit.

XIV. If it shall appear necessary before the close of the case for the prosecution, the Commissioners may in their discretion allow the prosecutor to exhibit evidence not included in the list given to the person accused, or may themselves call for new evidence, and in such case the person accused shall be entitled to have, if he demand it, an adjournment of the proceedings for three clear days, before the exhibition of such

such new evidence exclusive of the day of adjournment and of the day to which the proceedings are adjourned.

XV. When the case for the prosecution is closed, the person accused shall be required to make his defence, orally or in writing, as he shall prefer. If made orally, it shall not be recorded; if made in writing, it shall be recorded, after being openly read, and in that case a copy shall be given at the same time to the prosecutor.

XVI. The evidence for the defence shall then be exhibited, and the witnesses examined, who shall be liable to cross-examination and re-examination and to examination by the Commissioners according to the like rules as the witnesses for the prosecution.

XVII. All witnesses, either for the prosecution or defence, shall be examined on oath, or, if exempt from taking an oath in Courts of Justice, on solemn affirmation, to be administered in either case by one of the Commissioners, and every witness so examined and wilfully giving false evidence on any material point shall be deemed guilty of and liable to the penalties of perjury. When the prosecution is not conducted on behalf of Government, the prosecutor may himself give evidence for the prosecution and may be examined for the defence.

XVIII. The Commissioners or some person appointed by them shall take notes in English of all the oral evidence, which shall be read aloud to each witness by whom the same was given, and if necessary explained to him in the language in which it was given, and shall be recorded with the proceedings.

XIX. If

XIX. If the person accused makes only an oral defence, and exhibits no evidence, the inquiry shall end with his defence; if he records a written defence, or exhibits evidence, the prosecutor shall be entitled to a general oral reply on the whole case, and may also exhibit evidence to contradict any evidence exhibited for the defence, in which case the person accused shall not be entitled to any adjournment of the proceedings, although such new evidence were not included in the list furnished to him.

XX. When the Commissioners shall be of opinion that the Articles of Charge, or any of them, are not drawn with sufficient clearness and precision, the Commissioners may, in their discretion, require the same to be amended, and may thereupon, on the application of the person accused, adjourn the inquiry for a reasonable time. The Commissioners may also, if they think fit, adjourn the inquiry from time to time, on the application of either the prosecutor or the person accused, on the ground of the sickness or unavoidable absence of any witness or other reasonable cause. When such application is made and refused, the Commissioners shall record the application, and their reasons for refusing to comply with it.

XXI. After the close of the inquiry, the Commissioners shall forthwith report to Government their proceedings under the Commission, and shall send with the record thereof their opinion upon each of the Articles of Charge separately, with such observations as they think fit on the whole case.

XXII. The Government, on consideration of the report of the Commissioners, may order them to take further evidence, or give further explanation of their opinions. It may also order additional Articles of Charge

Charge to be framed, in which case the inquiry into the truth of such additional Articles shall be made in the same manner as is herein directed with respect to the original charges. When Special Commissioners have been appointed, the Government may also, if it thinks fit, refer the report of the Commissioners to the Court or other authority to which the person accused is subordinate, for their opinion on the case; and will finally pass such orders thereon as appear just and consistent with its powers in such cases.

XXIII. The word 'Government' as used in this Act means the Governor General in Council, the Governor or Deputy Governor of the Presidency of Fort William in Bengal, the Governor in Council of the Presidencies of Fort St. George and Bombay, respectively, and the Lieutenant Governor of the North-Western Provinces of Bengal, whose sanction is necessary for the removal of the person accused.

XXIV. Nothing in this Act shall be construed to repeal any Act or Regulation in force for the suspension or dismissal of Principal and other Sudder Ameens or of Deputy Magistrates or Deputy Collectors, but a Commission may be issued for the trial of any charge against any of the said Officers, under this Act, in any case in which the Government shall think it expedient.

XXV. Nothing in this Act shall be construed to affect the authority of Government, for suspending or removing any public servant for any cause without an inquiry under this Act.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXXVIII. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 1st November 1850, with the assent of the Most Noble the Governor General of India.

An Act to allow Counsel to all persons on the trial of offences.

WHEREAS an Act of Parliament was passed in the seventh year of the reign of His late Majesty for enabling persons indicted of felony to make their defence by Counsel or Attorney, the provisions of which Act were enlarged and extended to Her Majesty's Courts of Justice in the Territories under the Government of the East India Company by Act XXII. 1839, and whereas it is just and reasonable that the like privilege be given to all persons on the trial of offences against the law, It is enacted as follows:

I. In all Courts and before all Magistrates, or persons exercising any of the powers of a Magistrate, under the authority of the East India Company, every person on trial for the commission of any offence shall be admitted to defend himself either personally or by his authorized agent, and, after the close of the case for the prosecution, to make full answer and defence thereto either personally or by his authorized agent.

II. The

II. The said Courts, Magistrates and persons, subject to such rules as shall be from time to time made for their guidance by the Nizamut or Fouzdaree Adawlut, may allow any prosecution to be conducted by an authorized agent.

III. In those Courts in which any person now has by law the right of employing whomsoever he can employ as Counsel or Pleader, nothing in this Act shall be deemed to restrict that right: in all other cases those persons only shall be deemed authorized agents within the meaning of this Act who are either Advocates of one of the Supreme Courts of Justice established by Royal Charter, or authorized Pleaders of the Civil Courts of the East India Company, or, by leave of the Court, Magistrate or other person before whom the prisoner is on trial, any other person who is employed by the prosecutor or prisoner as his agent.

IV. This Act shall not be deemed to dispense with the presence of any prosecutor or person on trial for the commission of any offence when the presence of such prosecutor or accused person is now by law required.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXXIX. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 22nd November 1850, *with the assent of the Most Noble the Governor General of India.*

To continue the Commissioners for the Improvement of the Town of Calcutta, pending the consideration of an Act to amend Act XVI. 1847.

WHEREAS Act XVI. 1847, for constituting Commissioners for the Improvement of the Town of Calcutta has been found inconvenient and ineffectual for the intended purposes thereof, and it is expedient that the constitution of the said Commission be amended, and that in the meantime no new election of Commissioners be made in pursuance of the said Act, It is enacted as follows:

I. So much of Act XVI. 1847, as relates to the election and time of holding office of the Commissioners for the Improvement of the Town of Calcutta, is repealed.

II. The Commissioners for the Improvement of the Town of Calcutta as now constituted, with the addition of such Commissioners as may be added, from time to time, to supply vacancies among the Commissioners nominated by the Governor of Bengal, shall continue to be such Commissioners, and shall have and exercise all the powers entrusted to them under the said Act, or any other Act, until the First day of March 1851, or until other provision shall be made in that behalf by the Governor General of India in Council.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XL. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 22nd November 1850, with the assent of the Most Noble the Governor General of India.

An Act for Licencing Pawnbrokers in the Settlements of Prince of Wales' Island, Singapore and Malacca.

WHEREAS it is expedient to amend the Law regarding Pawnbrokers in the Settlements of Prince of Wales' Island, Singapore and Malacca, It is enacted as follows:

I. Regulation VII. 1830, passed by the Governor of Prince of Wales' Island, Singapore and Malacca in Council, and Regulation XI. 1833, of the Bengal Code, are repealed from and after the first day of May 1851, except as to convictions and the enforcement of penalties for contraventions of the said Regulations.

II. Every Pawnbroker shall take out a Licence from the Superintendent of Police of the station or place at which his Shop is situated, for the grant and registration of which a Fee shall be paid to the Superintendent of Police, on account of Government, of such amount as shall be from time to time fixed by the Governor of the Straits Settlements; and

and every such Licence may be annulled, whenever the Superintendent of Police shall think fit.

III. No person shall exercise the trade of a Pawnbroker within the said Settlements, without a Licence; and every unlicenced person who shall take in pledge, or keep in deposit any Goods or Chattels as security for the loan of any sum of money under One Hundred and Fifty Dollars, shall forfeit for each offence a penalty not exceeding Fifty Dollars.

IV. Every Licenced Pawnbroker, who shall take any Goods or Chattels on pawn from any person, between sunset and sunrise on the following morning, shall forfeit a penalty not exceeding Fifty Dollars.

V. Every Licenced Pawnbroker, who shall knowingly take from any European or Native Soldier any article whatsoever, as a pawn, pledge or security for any sum of money lent or advanced to such Soldier, or who shall knowingly buy from any European or Native Soldier any article whatsoever, without an authority in writing in each case from the Commanding Officer of such Soldier, shall forfeit a penalty not exceeding Fifty Dollars.

VI. Every Licenced Pawnbroker, who shall take from any child, apparently under the age of fourteen years, any article whatsoever, as a pawn, pledge or security, for any sum of money lent or advanced to such child, or who shall buy from such child any article whatsoever, shall forfeit a penalty not exceeding Fifty Dollars.

VII. All Pawnbrokers are required to report to the Superintendent of Police of the station or place in which they severally reside, all cases

in

in which there is reason for them to suspect any person offering any article to be pawned of having unlawfully obtained possession thereof: and the said Pawnbrokers shall keep proper Registers in writing, specifying the nature and value of every article pawned; the name and dwelling-place of the person pawning the same; the date and the hour of the day in which the same was offered and taken in pawn; the amount lent and the time within which the same is to be repaid; and shall give a duplicate of the entry in such Registers to the person pawning the article respecting which the entry is made, and in default thereof shall forfeit a penalty not exceeding Fifty Dollars.

VIII. All such Registers shall be produced for inspection by the said Pawnbrokers, whenever they shall be thereto required by any Justice of the Peace, Superintendent of Police, or any Peace Officer; and any Pawnbroker failing to keep and produce his Registers when so required, shall forfeit his Licence, and also forfeit a penalty not exceeding Fifty Dollars.

IX. All penalties under this Act may be imposed on conviction of the offence by confession of the offender, or by the oath of one or more witnesses before two Justices of the Peace, and in case of non-payment of any pecuniary penalty forfeited under this Act, any two Justices may issue a warrant under their hands, directed to any Peace Officer, to levy the amount of such penalty by seizure and sale of any goods of the offender which may be found within the jurisdiction of such Justices; and if no such property shall be found, any Justice of the Peace, by warrant under his hand, may commit the offender either to the House of Correction or to Her Majesty's Gaol at the station where the conviction is had, for any period not exceeding four calendar months.

X. This Act shall take effect from and after the first day of May 1851.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XLI. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 22nd November 1850, with the assent of the Most Noble the Governor General of India.

An Act to prevent the landing and leaving of decrepit Beggars, in the Settlements of Prince of Wales' Island, Singapore and Malacca.

WHEREAS much public inconvenience has arisen by Masters of Ships and Nakodas of Junks and other Vessels landing and leaving in the Settlements of Prince of Wales' Island, Singapore and Malacca, diseased, maimed, blind and decrepit persons, who afterwards beg for subsistence in the public streets, It is enacted as follows:

I. From the first day of January 1851, all Captains, Commanders, Masters or Nakodas of Ships, Junks, Topes, Boats, Prahus or other Vessels, who shall bring, and land, or cause to be brought and landed in any part of the Settlements of Prince of Wales' Island, Singapore and Malacca, or in any of the places now or hereafter to be subordinate or annexed thereto respectively, without leave of the Superintendent of Police of such place, any diseased, maimed, blind or decrepit person, not having the means of subsistence, and who may be hindered by his or her diseased, blind or disabled state from earning a livelihood, shall, on conviction before two Justices of the Peace, be liable for every such offence, to

pay

pay a fine not exceeding One Hundred Dollars, and in default of payment, to be imprisoned for any period not exceeding two calendar months.

II. Any two Justices, upon the complaint of the Superintendent or other Officer of Police, that any such person, who has not resided one month in the Settlement, has been found begging, or has become chargeable to the Settlement, may cause such person to be brought before them, and may examine such person and any other witnesses on oath or solemn affirmation touching the place from which he or she was brought to the said Settlement, and may cause any such person to be removed to the place from which he or she was so brought in such manner as shall be from time to time directed by the Governor of the said Settlements, and the reasonable cost of such removal shall be borne and paid by the Master of the Vessel by whom such person was brought to the Settlement, and may be sued for and recovered as so much money due from him to the East India Company, and paid by the Company on his account.

III. The Captain, Commander, Master or Nakoda of every such Vessel shall, within twenty-four hours of the arrival of the Vessel at any one of the said Settlements, deliver to the Master Attendant of the Port a true list of all the passengers embarked on board of his Vessel at the time of such arrival, specifying the name, nation and rank or condition in life of each; and every such Captain, Commander, Master or Nakoda who, without reasonable excuse, shall neglect to deliver such list within the appointed time, or wilfully make out or deliver a list which is false or incomplete in any respect, shall, on conviction before two Justices of the Peace, be liable to pay a fine not exceeding Five Hundred Dollars, and in default of payment, to be imprisoned for any term not exceeding three calendar months.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XLII. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 20th December 1850, *with the assent of the Most Noble the Governor General of India.*

An Act for giving additional facilities for Public Works in Bengal.

WHEREAS, by Regulation I. 1824, of the Bengal Code, power was given for taking any land in the territories subject to the Presidency of Fort William in Bengal, which is needed for any public purpose, according to the forms therein prescribed, but it is expedient for hindering needless delay in making the Railway about to be constructed in the said Presidency under the sanction of Government, and also in any other public work that more summary power should in certain cases be given for gaining immediate possession of the land needed for such public work.

It is declared and enacted as follows:

I. Any Railway made in the said territories under the sanction of Government, is a public work within the meaning of the said Regulation.

II. The persons employed in any public work, with their servants and workmen, may enter upon any land for surveying the ground, and in the

the case of a road, canal or railway for setting out the intended line thereof, and in the case of any intended road, canal or railway may mark the intended line by cutting a trench or placing landmarks along the line, and where otherwise the survey cannot be completed, and the line marked, may, with the sanction of the Government or of any officer appointed by Government for this purpose, cut down and clear away any part of any jungle or tope of trees in the direction of the intended line. Provided that no person shall enter the curtilage of any house under colour of this Act without consent of the occupier, unless between sunrise and sunset, and after due notice given to such occupier.

III. It shall be the duty of the officer so appointed by the Government to take account of all necessary damage done as aforesaid, that it may be allowed for, in awarding compensation to the owners and occupiers of land.

IV. Whoever wilfully obstructs any person in lawfully setting out the line of any road, canal, or railway, or wilfully destroys, damages, or displaces any such landmark, or effaces, or fills any such trench, shall be liable to be imprisoned for any term not exceeding six months, and also to fine not exceeding two hundred Rupees.

V. Whenever the said officer shall have recorded his opinion that the land in dispute is needed immediately for the purpose of the public work, he shall be empowered to take immediate possession thereof on behalf of the Government, leaving the amount and distribution of the consideration to be paid for it, if not agreed to by private bargain to be afterwards ascertained according to the said Regulation, and such possession may be enforced and the obstruction of it punished in like manner as if the land so taken had been sold in execution of the decree of a

Civil

Civil Court: and all Collectors, Magistrates and other officers shall, if necessary, give the like aid as they would be bound to give for enforcing the speedy and complete execution of any such decree.

VI. If the said officer is opposed or impeded in taking immediate possession of such land as in his opinion is immediately needed, he shall apply to the Magistrate of the district, who shall enforce the surrender of the land.

VII. The powers of the said Regulation and of this Act shall extend in the case of any road, canal or railway, to authorize the temporary occupation of any land not more than one hundred yards from the centre line of the road, canal or railway as marked on the ground, for taking earth or other materials for making or repairing the road, canal or railway, or for depositing thereon superfluous earth or other materials, or erecting temporary buildings and workshops thereon, or any land which may be needed for making temporary roads from any public road to the intended line of railway; and for the temporary occupation of any such land, and for any permanent damage done by such occupation and use of the land, including the full value of all clay, stone, gravel, sand and other materials taken thence, compensation shall be paid to and among all persons having an interest therein, to be ascertained in case of disagreement in the same manner as compensation for land permanently taken.

VIII. The local Government, if it thinks fit, may empower any such officer to execute any award made under the said Regulation, and to do all things necessary for completing the business, of taking and paying for the said land, and for settling all disputes concerning it, without sending any report to the local Government.

IX. In

IX. In every case in which any land has been or shall be taken by the Government for any public work, otherwise than according to the said Regulation, such land after the lapse of five years, without any claim preferred for the recovery thereof in any competent Court, or under the said Regulation I. 1824, or this Act, shall vest absolutely in the East India Company, freed and discharge from all other claims thereunto.

X. The said term of five years shall be reckoned from the date of this Act, in the case of land heretofore taken, and in the case of land hereafter taken from the time of taking possession thereof.

XI. If within the said term of five years any suit is begun upon which final judgment shall be obtained establishing the right of the plaintiff to any interest in any such land, then, instead of the said land, there shall be paid to the person obtaining such judgment the value of his interest in the said land, at the time when possession thereof was taken, with interest thereon at the usual and lawful rate, to be ascertained and settled in case of dispute by arbitration in the manner described for disputed claims by the said Regulation.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XLIII. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 27th December 1850, with the assent of the Most Noble the Governor General of India.

An Act for the Regulation of Registered Joint Stock Companies.

FOR the Regulation of Joint Stock Companies Registered under this Act, it is enacted as follows:

I. Every unincorporated Company of partners, associated under a deed containing a provision, that the shares in the stock or business of the said Company are transferable without the consent of all the partners, and also every Company established for some literary, scientific or charitable purpose, which does not carry on any business for the pecuniary benefit of any of the proprietors or shareholders, shall be entitled to registration under this Act.

II. The Supreme Courts of Judicature at Calcutta, Madras, or Bombay may, on such petition as is hereinafter mentioned of any persons desiring to register the Company to which they belong, order the registration of such Company; and thereupon such Company shall be duly registered in the said Court, and deemed a registered Company within the meaning of this Act.

III. Every

III. Every petition for the registration of any Company under this Act shall be filed in the Court to which it is presented, with the deed, or a copy of the deed of partnership of the Company, and a list of the Directors and Shareholders of the Company, severally verified by affidavit of the Secretary, or Manager, or principal or other servant of the Company, intended to be a Registered Officer of the Company within the Presidency in which the petitioners shall apply for registration; and such petition shall set forth the following particulars, that is to say:

First.—The names and additions of all those who are at that time partners of the Company, and their usual places of residence; and, when any Company, which has carried on its business before registration, shall be admitted to the privileges of this Act, a separate memorial of the names and additions and last known place of abode of all persons who, within three years next before the presentation of the petition, were partners thereof.

Second.—The style under which the Company is to carry on its business.

Third.—The names of the principal places, within the Presidency in which they seek to be registered, where the business is to be carried on.

Fourth.—The amount of capital stock and of any proposed addition thereto, and if consisting of money how much is paid up, and if other than money, the nature of such capital stock, and in all cases how invested, and if separate provision is made for working capital, the amount thereof, and how much of it is paid up.

Fifth.—The

Fifth.—The number of shares into which the capital stock has been, or is to be divided.

IV. Before the registration of any Company, which has carried on its business before registration under a deed of partnership, not containing any provision for registration of the Company under this Act, the Directors shall call a special meeting of the Shareholders for the purpose of resolving that the Company shall be registered under this Act, to be held at a place and time to be mentioned in the notice of meeting; and such notice, beside being given to the partners in the manner provided in the deed of partnership for notice of special meetings, shall be published in the *Government Gazette*, and in at least one other newspaper circulating within the Presidency, and the time of holding such meeting shall be not sooner than three months and not later than four months after the first of such publications.

V. One-half in number of the Shareholders assembled either personally, or by their lawfully constituted attornies at such meeting, owing at least one-half of the whole number of shares owned by all the Shareholders so present, may resolve that the Company shall be registered under this Act, and such resolution so carried shall be binding on the whole Company.

VI. The petition for registration in such case shall contain, beside the other particulars herein mentioned, statements of the notice and publication thereof, of the holding of the meeting, and of the several numbers of Shareholders and shares held by them collectively, who were present at the meeting, and who voted in favor of the resolution respectively, and shall state that the petition is presented upon such resolution.

VII. No

VII. No Company shall be disqualified for registration by reason of any outstanding loan to any Director, or by reason of any Director being a surety, or under any other pecuniary engagement to the Company: but any Director having such loan or being such surety or under such engagement shall, by the fact of the registration of the Company, cease to be a Director, unless the loan or other engagement be such as is authorised by this Act.

VIII. Every registered Company shall be subject to the following regulations, notwithstanding any provisions in their deed of partnership varying therefrom; and the Supreme Court, in which the Company shall be registered, shall have authority, on the petition of any Shareholder, to enforce the same, and from time to time, to make any order or orders in respect of any breach or neglect thereof as to such Court shall seem meet.

First.—Every registered Company shall hold one or more ordinary general meetings of the Company in every year, at such times and places as are appointed by the deed of partnership, or in default thereof, as the Supreme Court, in which such Company is registered, shall in the order for registration appoint, subject to variation by any subsequent order or orders of such Court.

Second.—Every registered Company shall, from time to time, hold an extraordinary general meeting whenever seven Shareholders, or any greater number may require it, by notice in writing under their hands, to be delivered to a Registered Officer of the Company, or, if he cannot be found, to any other servant of the Company, at one of their usual places of business.

Third.—No

Third.—No registered Company shall purchase its own shares or make any loan of money or securities for money to any person or persons, on the security of a share or shares in the partnership or business; and every such purchase or loan shall be a breach of trust within the meaning of all laws now in force, or hereafter to be in force relating to breaches of trust by agents or trustees misappropriating money or property.

Fourth.—No registered Company shall make any loan of money or securities for money to any Director or Registered Officer of such Company, or to any member of a Local Committee at any Branch or Agency, except only in the case of Banking Companies, to such limited amount, and on such securities as shall be sanctioned by the deed, or, from time to time, by a general meeting of the Shareholders of such Banking Company; and every such transaction, except as aforesaid, shall be a like breach of trust: And the particulars of every loan made to any Director or Registered Officer of such Company shall be reported to the next general meeting of Shareholders, with a statement and specification of the several securities on which such loans were advanced.

Fifth.—No Director or Member of a Local Committee at any Branch or Agency, or Registered Officer, shall become a security or guarantee for any person in any loan or other transaction with the Company, nor shall he, in any way, incur liability to the Company uncovered by such security as is sanctioned by the deed of partnership.

Sixth.—The accounts of every registered Company shall be audited half yearly or oftener, by two or more Auditors, chosen at a general meeting of the Shareholders, none of the Auditors being a Director or Registered Officer at the time.

Seventh.—A

Seventh.—A copy of the Auditor's report (if any) and balance sheet and a separate profit and loss account, and a capital account shewing the amount of the capital, and how invested, and the estimated value thereof, verified by affidavit of the same being made to the best of their knowledge and belief, as often as the accounts are audited, shall be filed in the Court, in which the Company is registered, and a written or printed copy of the said report, balance sheet, and accounts, shall be delivered to every Shareholder who shall demand it, or sent by the General Post Office to the place where he may, from time to time, require delivery thereof.

IX. The Court in which the Company is registered may, on the petition of any Shareholder, enforce the performance by the Directors of any of their duties under this Act, or of the deed of partnership, which it may appear just to enforce in a summary manner, after due notice given to such Directors; and disobedience to any order of the Court in this behalf shall be deemed a contempt of Court, and shall be punishable accordingly.

X. Within one week before or after the first day of January and first day of July, in every year after the registry of the said Company, a memorial shall be filed in the Court, in which such Company is registered, setting forth in alphabetical order, the names of all the partners, with their several additions, places of abode, and the number of shares belonging to each, and the names of the Directors of the Company, and also the names of the servants of the Company to be deemed the Registered Officers within the Presidency in which such Court is situated; and, as often as a change in the Direction or of any Registered Officer shall take place by death, resignation, disqualification, or otherwise, a memorial of such change shall be forthwith filed in the Supreme Court.

XI. When

XI. When any share is held by two or more persons the name, addition, and place of abode of every such person shall be separately entered in every such memorial, and each of such persons shall be considered as jointly and separately liable for the engagements of the Company on account of such share; unless when such share belongs to any other Registered Company, in which case the name of such Company shall be entered in the memorial instead of the names of the partners thereof.

XII. The several memorials shall be signed by two or more of the Directors of the Company, and verified by affidavit of one of them before the Master of the Supreme Court or a Commissioner by the said Court appointed.

XIII. An office copy of any such registered deed, or copy thereof filed as aforesaid, or memorial or of any part thereof, issued under the seal of the Court, shall be received in evidence before all Courts, as proof of the contents thereof, and no proof shall be required that the persons by whom any such memorial purports to be verified were Directors of the Company.

XIV. The Keeper of the Records of the Supreme Court shall allow all persons, at reasonable times, to inspect any such deed, copy, or memorial, and shall furnish office copies of any such deed, copy, or memorial, or any part thereof, under the seal of the Court, to all persons applying for the same.

XV. Such fees shall be paid for registering every such deed and memorial, and for allowing inspection and furnishing copies thereof, or of any part thereof, as the Judges of the Supreme Court, with the approval

approval of the Governor or Governor in Council, from time to time, shall establish.

XVI. Subject to the provisions of the deed of partnership, every Shareholder in any such Registered Company may sell and transfer all or any of his shares therein by a deed according to the form in the Schedule annexed to this Act, or to the like effect, and the same, when duly executed, shall be delivered to a Registered Officer, who shall make an entry thereof in a book to be called the Register of Transfers, and shall endorse such entry on the deed of transfer, and deliver an acknowledgment of the receipt thereof to the purchaser, for which entry and endorsement the Company shall be entitled to have a fee not exceeding One Rupee; and until such transfer is so entered and endorsed the purchaser of the share shall not be entitled to receive any share of the profits of the business, or to vote in respect of such share.

XVII. No Shareholder shall be entitled to transfer any share until he has paid all calls at that time due on every share held by him.

XVIII. On the transfer of any share in a Registered Company being executed and notified in the manner required by the Deed of the Company and this Act, the party making or the party accepting such transfer may require a memorial thereof to be made forthwith, and filed with the memorial of the names of Shareholders of the Company; and in case such memorial shall not be made and filed within one month after such requisition, the Supreme Court shall on the petition of either of the said parties, and on notice being given to the Directors of the Company, order such memorial to be made and filed, in case the Court shall be satisfied of the validity of such transfer; and every such memorial of transfer shall be taken henceforth as part of the last general memorial.

XIX. No

XIX. No transfer shall be deemed complete, nor shall any Shareholder be discharged from any liability by the transfer of any share, until the memorial of such transfer shall have been filed as aforesaid, or until the purchaser has been substituted as a partner instead of the seller in one of the general half-yearly memorials, in respect of the share or shares so transferred; and no person shall be liable as a Shareholder by reason merely of having accepted such transfer, until such memorial of the transfer shall be filed, or until he is entered as a partner in one of the general half-yearly memorials.

XX. The Supreme Court in which any Company is registered may, on petition and on notice being given to the Directors, and to every other person to whom it shall appear to the Court that notice ought to be given, order any memorial filed under this Act to be corrected, in case of any material error of omission or otherwise, either in the lists of Shareholders or any other respect whatever.

XXI. The Directors may close the Register of Transfers for a time not exceeding fourteen days before the payment of any dividend, and may fix a day for closing the same, of which seven days' notice shall be given in the *Government Gazette*.

XXII. The Company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any share is subject; and the receipt of the person in whose name any share stands in the books of the Company, or in the case of a minor, idiot, or lunatic, the receipt of the guardian or committee, or where the share stands in more than one name, the receipt of the person, whose name stands first, shall be a sufficient discharge to the Company for any dividend or other sum of money payable on account of such share, whether

or not the Company had notice of any such trust; and the Company shall not be bound to see to the application of any money paid on such receipt.

XXIII. Every such Registered Company shall sue and be sued by the registered name of the Company, as if it were an incorporated Company, and in no other manner; and service of any writ, order, or other process or notice on a Registered Officer of the said Company, at one of their usual places of business, or, if he cannot be found, in such manner as the Supreme Court in which such Company is registered shall order and direct, shall be good service on such Company.

XXIV. In any indictment or information for any theft or embezzlement of the monies or goods of any such Registered Company, or for any other offence committed against them or their property, or with intent to defraud or injure them, and in any proceeding in which it may be necessary to name them, they may be described by the registered name of the Company.

XXV. In any suit brought or proceeded with in the name of any such Registered Company, the plaintiffs shall be liable to be nonsuited unless it is proved on their part that the suit is brought or proceeded with by direction of one or more of the partners appointed at a general meeting to be Directors of the Company, or by the direction of some person or persons having authority from the Directors to bring suits on behalf of the Company; and such proof may be given either by filing a warrant to sue signed by such Director or person, and supported by affidavit, or in such other manner as shall be consistent with the practice of the Court.

XXVI. No such suit, indictment, information, or other proceeding shall abate or be prejudiced by any change of the persons constituting the

the partnership, or of the Directors, or of the person having such authority.

XXVII. No suit by or against the Company shall be in anywise affected by the defendant or plaintiff therein being or having been a Shareholder of the Company: but any such Shareholder, either alone or jointly with any other person or persons as against the Company, or the Company as against any such Shareholder, either alone or jointly with any other person or persons, shall have the same right of action, remedy, and execution, in respect of any claim whatever, as the Shareholder or Company would have had, if the Shareholder had been a stranger.

XXVIII. All unpaid capital, or money due on account of the Capital Stock of the Company, shall be deemed a debt due to the Company, and shall be recoverable as such by the description of money due by the defendant, on account of a share in the business of the Company.

XXIX. A Registered Company, which shall commit any act which is hereby deemed an act of forfeiture, shall be liable to the jurisdiction of the Court for Relief of Insolvent Debtors, and a petition to the said Court in the case of such Company shall be prosecuted in the same manner as petitions in the case of Insolvent Debtors: and in case of an adjudication of forfeiture the law and practice of the said Court, with such alterations of the practice as, from time to time, shall seem to the Court necessary, shall be extended to the case of such Company, as in the case of an adjudication of insolvency in the case of an Insolvent Debtor.

XXX. An

XXX. An adjudication of forfeiture against any such Company shall not be deemed an act of insolvency of the individual members of such Company.

XXXI. An adjudication of forfeiture against such Company shall convey to the Assignee or Assignees appointed to the whole of the real and personal property of the said Company, and all debts, causes of suit, and possibilities of interest, with the like power to sue either at Law or in Equity, as fully and effectually as an adjudication of insolvency against any individual could convey the same by any of the laws now in force or hereafter to be in force affecting insolvents.

XXXII. Whenever an adjudication of forfeiture shall have issued against any such Company, the Assignee or Assignees, from time to time, may compromise any debts or claims belonging to the said Company, and may grant discharges to the parties to such compromises.

XXXIII. Whenever the Directors of any Registered Company shall be unable to meet the engagements of the Company, they shall at a special meeting of the Directors convened for that purpose, and by such a number and majority of them as would be sufficient for any ordinary business of the Company, declare such inability by a resolution, which being signed by the Directors by whose votes it has been carried, shall be forthwith published in the *Government Gazette* of the Presidency; and for two calendar months after the publication of such resolution, but not later, such resolution shall be deemed an act of forfeiture of their privileges for the sole purpose, nevertheless, of supporting a petition to the Court for Relief of Insolvent Debtors in case a petition shall be filed within two months after the date of the publication thereof as aforesaid, but not afterwards.

XXXIV. Any

XXXIV. Any Registered Company which shall not within two months after judgment and the issue of a writ of execution thereof, satisfy such judgment, shall be deemed to have committed an act of forfeiture, and thereupon the execution creditor, or any creditor to whom such Company shall be indebted to the amount of Company's Rupees Five Hundred, or any two creditors to whom such Company shall be indebted to the amount of Company's Rupees Seven Hundred, or any three or more creditors to whom such Company shall be indebted to the amount of Company's Rupees One Thousand, may present a petition to the Court for the Relief of Insolvent Debtors at the Presidency within which such Company is registered, stating the amount due to such creditor or creditors, and the registry and act of forfeiture of such Company, and praying such Court would proceed as if such Company or the Shareholders thereof had petitioned such Court for relief under the laws in force for Relief of Insolvent Debtors; whereupon the Court shall enquire into the truth of such petition, and if such Court shall be satisfied thereof, such Court shall adjudge the same to be true, and that such Company has committed an act of forfeiture, and proceed thereon pursuant to the provisions of the Act for the Relief of Insolvent Debtors in India, and of this Act.

XXXV. Upon the filing of any petition to the Court for Relief of Insolvent Debtors in the case of any Registered Company, whether by a Shareholder or by a Creditor, the Court shall make the like vesting order for the purpose of vesting all the real and personal estate of the Company in the Official Assignee, and such other orders ancillary thereto as the Court might make in case of an individual insolvent debtor, and all the powers and authorities of the said Court, and all the laws relating to insolvent debtors shall, so far as the circumstances of the case admit, be extended to all such Registered Companies.

 XXXVI. Whenever

XXXVI. Whenever there shall be an adjudication of forfeiture against any Registered Company, the Directors of such Company at the time of filing the petition shall be subject to the orders of the said Court for the Relief of Insolvent Debtors, and it shall be their duty individually or collectively to prepare such balance sheet and other accounts as the Court may deem necessary, and to assist the Official Assignee in the examination of and closing all the affairs of the Company; and every Director and person who shall at any time have been a Director of the Company shall be liable to be examined upon oath, and to make full and true discovery of the estate and effects, past and present, and business, affairs, and interests of the Company, either orally or upon written interrogatories, as the Court may order.

XXXVII. Upon the adjudication of forfeiture against any Registered Company, the claims of any creditor of the Company against the Shareholders shall not be enforced otherwise than under this Act, except in respect of any special contract, or any debt or liability contracted by any Shareholder in his individual capacity, otherwise than by taking a share in the business of the Company.

XXXVIII. As soon after an adjudication of forfeiture against any Company as the Official Assignee can make an approximate estimate of the amount of the debts and other claims against the Company, or of any certain portion thereof, the said Court, on the application of the Official Assignee, shall order such sum to be raised by contribution of the Shareholders as may appear to the said Court necessary for the satisfaction of such debts and claims; and may from time to time order such further sum to be raised in like manner as may appear necessary: and upon obtaining such order the Official Assignee shall assess the said sum ratably amongst the Shareholders according to the number of

shares held by them respectively, and immediately proceed to collect the same; and monthly or oftener shall report defaulters to the said Court, together with the amounts at which they were assessed respectively, and thereupon the said Court, if satisfied that the said assessment is just, shall order the payment of such assessment within such time and upon such notice or demand by advertisements or otherwise, as the Court may see fit; and non-payment thereof within the time ordered by the Court shall be an act of insolvency of the defaulting Shareholders; and the said Assignee, or any person being a creditor of the said Company to the amount of Company's Rupees Five Hundred, or any two creditors to whom such Company shall be indebted to the amount of Company's Rupees Seven Hundred, or any three or more creditors to whom such Company shall be indebted to the amount of Company's Rupees One Thousand, may present a petition to the Court for the Relief of Insolvent Debtors of the Presidency within which the said Company is registered, stating such act of insolvency, and praying that such defaulting Shareholder may be adjudged to have committed an act of insolvency, and upon such petition being duly verified, the Court shall be empowered to adjudge that such defaulting Shareholder has committed an act of insolvency, and the Court for Relief of Insolvent Debtors in the Presidency in which the defaulter is resident may proceed thereon according to the provisions of the Act for the Relief of Insolvent Debtors in India.

XXXIX. The Shareholders of untransferred shares whose names are in the last general memorial, including those (if any) who have been subsequently returned as Shareholders of the Company, shall be liable and be called upon in the first instance to satisfy the debts of the Company; but in case it shall appear to the said Court that full satisfaction cannot, within such time as may appear reasonable to the Court, be

otherwise obtained, such other persons as at any time within three years next before the adjudication of forfeiture shall have been returned in any memorial as Shareholders of the Company shall be liable to contribute to such amount collectively as the Court may order; and, upon every order for contribution from former Shareholders, the Official Assignee shall proceed as hereinbefore prescribed in the case of present Shareholders.

XL. In fixing the sum to be raised from time to time by assessment of the Shareholders it shall be in the discretion of the Court to make such allowance for unrealized assets of the said Company, as the Court may deem just.

XLI. No such assessment shall be deemed erroneous or set aside merely by reason of its being in excess of other assessments ratably considered, if the same be needed for satisfaction of any creditor of the said Company, and any such assessment may be reduced, when expedient, by order of the Court.

XLII. If on realizing the assets of the Company a balance shall remain, after payment of the debts and other claims against the Company, the said Court may order the repayment out of such balance, first, of such sums or ratable parts thereof as have been paid by any Shareholders not liable in the first instance to satisfy the debts of the Company; and secondly, of such sums or ratable parts thereof as have been paid by any other Shareholders in excess of their ratable liability, according to the number of their shares, regard being had to the number of other assessed Shareholders; and lastly, if such a balance shall not thereby be exhausted, the said Court may order the distribution of the remainder thereof among the Shareholders by the Official Assignee upon

upon a scheme or plan to be submitted to and approved by the said Court, or may order the same to be paid to the Accountant General of the said Court to the credit of the said Company, to abide such proceedings as any parties interested therein may take at Law or in Equity: and any order of the said Court for the disbursement of money shall be a sufficient authority to the said Official Assignee to protect him against all claims in respect of such disbursement by any Shareholder or Creditor.

XLIII. If any Registered Company which carried on its business before registration shall incur an adjudication of forfeiture before it has been registered for three years, such persons as are not registered Shareholders but were Copartners or Shareholders thereof at any time before the registration of the Company, but within three years before the filing of the petition for relief, shall be liable to contribute to the debts of the Company in like manner as if they were on the first memorial of the Shareholders of the Company.

XLIV. Whenever it shall appear to the Court for Relief of Insolvent Debtors that the aid of a Court of Equity will be necessary for closing the affairs of any Registered Company, against which an adjudication of forfeiture has been made, the said Court may order the Official or other Assignees to take proceedings in the Supreme Court in Equity, by bill, or by petition for the like relief as might be had by bill, and the said Supreme Court shall have power on such petition to make such original and subsequent orders as upon a bill filed, and such orders shall have the same effect and be executed in the same manner as decretal orders.

XLV. The said Supreme Court may likewise on petition of any Shareholder having any claim against any other Shareholder, in respect of the affairs of the Company, make such order as it may deem just for settling such claim between such Shareholders.

XLVI. Whenever

XLVI. Whenever any Shareholder in a Registered Company, which shall have been adjudged to have incurred forfeiture, shall be adjudged an insolvent, either on his own petition, or under the provisions aforesaid, or otherwise, the Assignee or Assignees of such Registered Company, shall be entitled, from time to time, to rank as a creditor on the estate of such insolvent, for such ratable contributions, as the Court for the Relief of Insolvent Debtors shall, from time to time, appoint to be paid by such insolvent Shareholder.

XLVII. After the affairs of any such Registered Company against which there has been an adjudication of forfeiture are closed under this Act, the Company shall forfeit all its privileges under this Act, and the partnership shall be dissolved.

SCHEDULE.

I ——— of ——— in consideration of ——— paid to me by ——— of ——— do hereby transfer to the said ——— the share (or shares) numbered ——— in the business called The ——— to hold unto the said ——— his [or her] Executors, Administrators and Assigns, subject to the Conditions of the Partnership Deed of the ——— Company, registered in the Supreme Court of Judicature at ———, and the other Conditions in which I held the same: And I the said ——— do hereby agree to take the said share (or shares) subject to the same Conditions: As witness our hands and Seals, the ——— day of ——— in the year ——— —

Witness

A. B. (L. S.)

C. D. (L. S.)

Calcutta, 1851:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XLIV. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 27th December 1850, with the assent of the Most Noble the Governor General of India.

An Act for consolidating the Board of Customs, Salt and Opium, and the Sudder Board of Revenue in the Lower Provinces of Bengal.

WHEREAS by Regulation IV. 1819, of the Bengal Code, a Board of Revenue, in the Customs, Salt and Opium Department, was constituted in the Province of Bengal, with all the duties, powers and authorities of the Board of Revenue, with respect to customs and town duties, and with the powers theretofore possessed by the Board of Trade in the Salt and Opium Departments; and whereas it is not now necessary that this Board should be continued, separate from the Board of Revenue in the Lower Provinces of Bengal, it is enacted as follows:

I. Regulation IV. 1819, of the Bengal Code, is rescinded; but not so as to revive any part of any Rule or Regulation thereby rescinded and annulled.

II. All powers and duties now vested in, or belonging to the Board of Revenue in the Customs, Salt and Opium Department, and its Officers respectively,

respectively, shall be transferred to the Sudder Board of Revenue constituted in the said Lower Provinces according to Regulation I. 1829, of the Bengal Code, and its Officers respectively: and all Acts and Regulations now in force relating to the said Customs, Salt and Opium Board of Revenue, or its Officers, shall be understood henceforth, as if the said Sudder Board of Revenue and its Officers had been respectively mentioned therein instead of the said Board of Customs, Salt and Opium, and its Officers.

III. The said Sudder Board of Revenue shall be henceforth styled the Board of Revenue for the Lower Provinces of the Presidency of Fort William in Bengal,

Calcutta, 1851.—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XLV. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 27th December 1850, *with the assent of the Most Noble the Governor General of India.*

Act to declare the Law as to the jurisdiction of Coroners.

FOR removal of doubts as to the jurisdiction of Coroners, It is declared and enacted as follows:

I. In all cases in which an inquest ought to be holden on any body lying dead within the jurisdiction of any Coroner, appointed for any place within the Territories under the Government of the East India Company, the Coroner having jurisdiction where the body is lying dead has power to hold and shall hold such inquest; and every such inquisition taken before him is valid, whether or not the cause of death arose within his jurisdiction.

Calcutta, 1851:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

INTERPRETATIONS

ON THE

BOMBAY REGULATIONS

AND

ACTS OF THE GOVERNMENT OF INDIA,

DECLARED BY THE

SUDR DEWANEE AND SUDR FOUJDAREE ADAWLUT,

Bombay.

REVISED AND CORRECTED UP TO SEPTEMBER 1850.

PUBLISHED BY ORDER OF

THE RIGHT HON'BLE THE GOVERNOR IN COUNCIL.

Bombay:

PRINTED FOR GOVERNMENT

AT THE

BOMBAY EDUCATION SOCIETY'S PRESS.

1850.

INTERPRETATIONS

ON THE

BOMBAY REGULATIONS

AND

ACTS OF THE GOVERNMENT OF INDIA.

REGULATION II. OF 1827.

SECTION XXVIII.—On a Case before the Court, it was declared that it is not competent to a Zillah Judge to entertain Appeals from the Orders passed under Section V. Act XX. of 1841, of a Senior Assistant Judge at a detached Station, on whom the special authority contemplated by Section XXVIII. of Regulation II. of 1827 has been conferred, but that Appeals from such orders lie to the Sudr Dewanee Adawlut direct.

Register Sudr Dewanee Adawlut,
2nd December 1845.

SECTION XLIII.—On a question referred, it was declared that it is not competent to a Judge to refer Suits for trial to a Principal Sudr Ameen, Sudr Ameen, or Moonsiff, in which a public Servant is Defendant, for acts done by him in his official capacity.

Register Sudr Dewanee Adawlut,
23*rd December* 1843.

SECTION XLIX.—It was declared, on a reference from the Judicial Commissioner for Guzerat on Circuit, that the power of the Zillah Judge to assign Pleaders to certain Courts can only be exercised in respect to those at the Sudr Station.

Register Sudr Dewanee Adawlut,
10*th February* 1847.

APPENDIX E.—In a Case before the Court, it was declared that the 17 Villages named below, belonging to His Excellency the Nawab of Sucheen, surrounded by the lands of villages belonging to the Purgunnas of Parchol and Chorasee, of the Surat Zillah, form no part of the Purgunnas of Parchol and Chorasee, within the meaning of Regulation II. of 1827, inasmuch as they have never formed part of the Territories of the Hon'ble East India Company :

Villages.	*Purgunnas.*
1. Sursana	Chorasee.
2. Oodhna	
3. Bonode	
4. Rawula	
5. Kunsar	
6. Doomus, including Bheempore and Giveur	
7. Sarolee	
8. Ghoradura	
9. Dukshunwara	
10. Bhatya	
11. Oon	
12. Turaj	
13. Vercha	Parchol.
14. Wasun	
15. Kotha	

Villages.	*Purgunnas.*
16. Sucheen 17. Lajpore	} Chorasee.

Register Sudr Adawlut,
1*st May* 1849.

APPENDIX E.—It is declared that the Village of Poona, in the Chowrasee Purgunnah of the Surat Zillah, forms no part of the Purgunnah of Chowrasee, within the meaning of Regulation II. of 1827, for the reason assigned in the Interpretation of the 1st May 1849, on the said Regulation, Appendix E.

Register Sudr Adawlut,
17*th July* 1849.

REGULATION III. OF 1827.

SECTION XII.—On a Case before the Court, it was declared that the Decision or Minute of the Judge which is described in Act XII. of 1843 is a document, an authenticated copy of which may be granted on application in writing, under the Rules laid down in Section XII. of Regulation III. of 1827.

In re MAERAM DAJY VUKEEL.
Register Sudr Dewanee Adawlut,
28*th April* 1849.

REGULATION IV. OF 1827.

CHAPTER XI.—On a question referred, it was declared that a party imprisoned under the provisions of this Chapter who may obtain his release by payment of the fine awarded, is entitled to credit for such part of the amount as bears a proportion to the period of imprisonment undergone.

Register Sudr Dewanee Adawlut,
19*th February* 1844.

SECTION XXXIV. *Clause* 4*th.*—In Cases in which, by any existing Law, a Judge of a Civil Court is empowered to transfer or commit a person for trial on a criminal charge to a Magistrate or Session Court, it was declared that it is competent for such Civil Judge to take recognizance or security for his appearance before the authority to whom he is to be transferred.

Register Sudr Dewanee Adawlut,
30*th November* 1848.

REGULATION VIII. OF 1827.

On a Case before the Court, it was declared that there is nothing in Acts XIX. and XX. of 1841 forbidding the grant of Certificates of heirship, as provided for in Regulation VIII. of 1827.

Register Sudr Dewanee Adawlut,
20*th November* 1848.

REGULATION XII. OF 1827.

SECTION XXV.—A Case having occurred in which a Magistrate admitted a person to bail who was charged with an attempt to commit a Murder, it was declared that an attempt to commit Murder was not a bailable offence.

In re POONJA UJBA.
Register Sudr Foujdaree Adawlut,
29*th July* 1842.

REGULATION XIII. OF 1827.

SECTION XXIX. *Clause 3rd.*—On a question raised, it was declared that it is competent to the Sudr Foujdaree Adawlut, under Clause 3rd, Section XXIX. of Regulation XIII. of 1827, to return a Case referred to it for confirmation by a Session Court, in order that further evidence may be taken for the prosecution, when such procedure appears necessary for the ends of justice.

Register Sudr Foujdaree Adawlut,
12*th September* 1846.

SECTION XXXVIII. *Clause 4th.*—On a Case before the Court, with reference to the Interpretation on Section XXVII. of Regulation XIII. of 1827, of the 15th January 1829, it was declared that it is not lawful for a trying Authority to find a Prisoner guilty of receiving stolen goods who has been charged with Robbery only.

In re HIMMUTBHAE CHOTABHAEE.
Register Sudr Foujdaree Adawlut,
12*th March* 1849.

SECTION XXXIX.—A Case having occurred in which a Session Judge held that the confessions of Prisoners before a Police Authority were not available to his Court, under Section XXXIX. of Regulation XIII. of 1827, it was declared that the term "oral declaration" in this Section referred to the depositions of Witnesses only, and not to the statements alluded to in Clause 1st of Section XXXVII. of the above Regulation.

In re SHUMBOO WULUD RHANBA ADNOW WAGMODAY.
Register Sudr Foujdaree Adawlut,
1*st April* 1842.

REGULATION XIV. OF 1827.

SECTION VI. *Clause 2nd, and* SECTION XII. *Clause 2nd.*—A Case having occurred in which the consideration of the Court has been given to the mode of carrying out the requirements of the Law contained in Section VI. Clause 2nd, and Section XII. Clause 2nd, of Regulation XIV. of 1827, it is determined that the requirements of the Law, so far as concern the Sentence on a Prisoner convicted of Treason, are fulfilled by the award of death and confiscation of property; and as it will frequently be impracticable that the assignment prescribed in the former Section can be simultaneous with the passing of the Sentence, the adjudicating Authority shall immediately, or as soon after passing Sentence as circumstances may admit, issue such orders as may seem to him advisable, to the Magistrate of the Zillah, for ascertaining the extent of the Convict's property, in order to the fixing the proportion to be assigned for the maintenance of the family of the offender.

Acting Register Sudr Foujdaree Adawlut,
3*rd May* 1848.

REGULATIONS XIV. AND XXX. OF 1827.

SECTION XVI. *of* REGULATION XIV. *and* SECTION IV. *of* REGULATION XXX.—On a question being raised, it was declared that it is not competent to a Session Judge to refer Cases of Perjury, committed before himself, to an Assistant Session Judge for trial.

Register Sudr Foujdaree Adawlut,
28*th March* 1843.

REGULATION XVII. OF 1827.

CHAPTER III.—On a reference made, it was held, in supercession of the construction of the 11th April 1835, on this Law, that the provisions of Chapter III. of Regulation XVII. of 1827, taken

in connection with Regulation XVI. of 1827, Section II. Clause 1st, apply to all Revenue demands, of whatever kind.

Register Sudr Dewanee Adawlut,
1*st August* 1842.

SECTION XXXI. *Clause 3rd.*—It was asked if a note of hand, passed by a Ryot for a balance of Revenue, was to be considered as taking the Case out of the provisions of this Clause, in an action brought upon the note, so as to render the action cognizable in the Adawlut. It was declared that the action must be brought in the Collector's Court, as a simple acknowledgment did not alter the original nature of the Case.

Secretary to Government,
26*th February* 1829.

☞ The above was erroneously omitted in the former printed Collections.

REGULATION XXII. OF 1827.

SECTION III. *Clause 1st, Article* 4.—On a question arising, it was declared that the temporary employment within the limits of a Camp, in the course of his ordinary avocation, of a party who has no other claim to be considered a Camp Follower, is insufficient to render the provisions of Regulation XXII. Section III. Clause 1st, Article 4, of 1827, applicable to such party, who is held to be amenable to the Civil Power for all criminal acts committed by him.

Register Sudr Foujdaree Adawlut,
5*th July* 1844.

SECTION III. *Clause 4th.*—On a question raised in a Case before the Court, it was declared that the provisions of Regulation XXII. of 1827 are not applicable to all residents in Camps, but to those only belonging to, or connected with, the Bombay Army.

Register Sudr Foujdaree Adawlut,
16*th November* 1846.

REGULATION III. OF 1830.

SECTION III.—On a Case coming before the Court, it was declared that a Session Judge cannot try a Case of Perjury committed before himself in his capacity of Civil or Session Judge, without a preliminary investigation before a Magistrate, and a regular commitment of the accused to the Session Court.

In re DHONDO LUXIMON GUBBALAY.

Register Sudr Foujdaree Adawlut,
13*th November* 1848.

REGULATION IV. OF 1830.

SECTION III.—On a question referred, it was declared that the grant of any of the powers of a Magistrate, under the provisions of Act XIV. of 1835, does not divest a Zillah Magistrate of the authority vested in him by Regulation IV. of 1830, in regard to any Officer within his jurisdiction on whom such special power has been conferred.

Register Sudr Foujdaree Adawlut,
22*nd September* 1845.

SECTION III.—On a question referred, it was declared that besides those Cases provided for by the Interpretation of 20th September 1841, any Sentence passed by an Assistant Magistrate may be quashed by the Magistrate, and the Case committed for trial to the Session Court.

In re KUMABHAEE OGURBHAEE *and* MUCCUNBHAEE OGURBHAEE.

Register Sudr Foujdarèe Adawlut,

14*th August* 1844.

REGULATION VII. OF 1831.

The Sudr Dewanee Adawlut having had under consideration the practice of the Mofusil Courts, as respects Appeals, it is declared that the provisions of Act III. of 1843 limit an Appeal from the Decree of a Principal Sudr Ameen, Sudr Ameen, or Moonsiff, to one Appeal to the Zillah Court; or, at a detached Station, to the Senior Assistant Judge.

All second Appeals within the Zillah are abolished, by Act III. of 1843.

From the Decree on Appeal in the Zillah, a Special Appeal lies to the Sudr Dewanee Adawlut.

Register Sudr Dewanee Adawlut,

16*th July* 1849.

ACT XVII. OF 1837.

On a question referred, it was declared that offences against the provisions of Act XVII. of 1837, wheresoever committed, are cognizable only by the Civil Tribunals.

Register Sudr Foujdaree Adawlut,

15*th April* 1845.

ACT XVI. OF 1838.

On a question being submitted, it was declared that Suits involving questions of rent of Land of the current and all former years, as defined in Section XXVII. and Clause 1st, Section XXIX. of Regulation XVII. of 1827, are cognizable before Revenue Courts only, under Clause 3rd, Section XXXI. of the said Regulation, and Clause 3rd, Section I. of Act XVI. of 183[illegible].

Register Sudr Dewanee Adawlut,

17*th July* 1844.

ACT XI. OF 1840.

It was declared, in review of a Case, that the provisions of Act XI. of 1840 do not authorize a Sentence of solitary imprisonment uncombined with imprisonment with hard labour, in Cases where the punishment of solitary imprisonment is not prescribed for the offence committed, by the General Regulations.

Register Sudr Foujdaree Adawlut,

12*th September* 1842.

ACT II. OF 1841.

On a reference, it was declared, that, no other authority being therein specified, the execution of penalties awarded under the provisions of Act II. of 1841 rests with the Magisterial Department; and that such should not be enforced by a Collector in his fiscal capacity.

Register Sudr Foujdaree Adawlut,

18*th January* 1843.

ACT V. OF 1841.

On a Case before the Court, it was declared that the words "Judge" or "Judges," in Act V. of 1841, mean any person or persons to whom the Government may issue a Commission for the trial of State offences, under Section II. of the Act.

Register Sudr Foujdaree Adawlut,
18*th January* 1849.

ACT III. OF 1843.

In a Case before the Court, it was declared that the provisions of Act III. of 1843 limit Special Appeals from Decrees in regular Appeals to the Sudr Dewanee Adawlut.

Register Sudr Dewanee Adawlut,
12*th September* 1846.

INDEX

TO THE

ACTS OF THE GOVERNMENT OF INDIA,

FOR 1850.

A.	*Act.*	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
Accountants.—(See Public Accountants.)				
Act VII. of 1849, amended and extended to Fort St. George and Bombay.....	II.	I.		
(See Administrator General.)				
„ XI. of 1836—Section II—modified..	III.	I.		
„ VIII. of 1844, repealed.	VII.	I.		
„ XII. of 1848, repealed.....	IX.	III.		
„ VII. of 1847, extended to Arrears of Rent not exceeding 500 Rupees.	IX.	LXXXIX.		
„ X. of 1841, Section XIII., repealed...	XI.	I.		
„ 9, Geo. IV., C. 99 to 104, repealed....	XIII.	III.		
„ III. of 1844, declared to be in force in the Straits Settlements.	XIV.	III.		
„ XII. of 1843 shall apply to points to be established or on which proof is required by the Moonsiff's Court in the Bengal Presidency.	XV.	II.		
(See Moonsiffs.)				
„ XXVIII. of 1439, enlarged for taking grounds within Bombay and Colaba for Railway or other purposes.	XVII.	I.		
(See Bombay and Colaba.)				
„ I. of 1838—part of—as relates to the Duty on Tobacco in Bombay, repealed.	XXIV.	I.		
(See Tobacco.)				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
Act IV. of 1846,—so much of Sections V. and IX. as relates to the disposal of forfeiture of deposits at Sales of Land in execution of Decrees, repealed..... (See Lands.)	XXV.	I.		
„ X. of 1842, repealed.....	XXVI.	I.		
„ XXXI. of 1838, amended. ..... (See Poisoning.)	XXIX.			
„ I. of 1846. ..... „ IV. of 1850. ..... } Application of—	XXX.	I.		
„ XXVII. of 1837, Section VII. applicable to any tracts of country where Salt is found within the Bombay Presidency.	XXXI.	VIII.		
„ XV. of 1836, repealed.....	XXXII.			
„ XXII. of 1839, extended.....	XXXVIII.	Preamble.		
„ XVI. of 1847—part of—as regards Municipal Commissioners of Calcutta, repealed.	XXXIX.	I.		
Acts XXI. of 1839 and III. of 1842 made applicable to the Straits Settlements.	XIV.	I.		
„ VI. of 1838. ..... „ XXVI. of 1839. ..... „ XIII. of 1843..... } Repealed.	XXXVII.	I.		
Aden declared a free port and settlement.	X.	I.		
The above port not within the provision of Act VI. of 1848.....	„	II.		
Administrator General at Calcutta—Act VII. of 1849, relating to—extended to the Presidencies of Fort St. George and Bombay.	II.	I.	.....	Madras & Bombay.
Administrator General at Fort St. George and Bombay respectively may hold both the Offices of Ecclesiastical Registrar and Administrator General.	„	II.		
Administrator General. The altered rate of Commission under Act VII. of 1849, not to take effect until directed by the respective Governments.	„	III.		
Administrator General at Calcutta, and the above Presidencies prohibited from trading under penalties mentioned.	II.	IV.	.....	Calcutta, Madras and Bombay.

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
Appeals—(Regular)—to the Sudder Court—Time limited for presenting to the Lower Court petitions to contain simple notice of—	IV.	I.	.....	Bengal.
„ Proceedings held in the course of appeal to be certified to the Sudder Court, and notice thereof given to the appellant.	„	II.		
„ Time limited for presenting to the Sudder Court specific objections to the judgment and detailed reasons for preferring the appeal.....	„	III.		
„ Powers given by C. 3, S. 16, Regulation V. of 1831, Bengal Code, to Zillah Judges of confirming decisions on certain—without serving any notice on respondents, extended to Principal Sudder Ameens.	VIII.	I.	.....	Bengal.
„ Every Judge or Principal Sudder Ameen so acting shall record his reasons for rejecting the Appeal.	„	II.		
„ Regular, Act IV. of 1850 not to affect—in cases decided before the passing of this Act as to the period limited for filing.....	XXX.	II.	.....	General.
„ Affixing notice to Appellants in the House of the Sudder Court, sufficient.	„	III.		
„ Act IV. of 1850 not to affect Appeals by Paupers, except as regards the period for presenting the specific objections and detailed reasons.	„	IV.		
Apprentices—Children of what age may be bound as—and by whom and for what period.	XIX.	I.	.....	General.
„ Age mentioned in the contracts shall be evidence of the age in questions of the Master's right to the continuance of their service.	„	II.		
„ Any Magistrate or Justice of the Peace may act as guardian on behalf of any Orphans or poor Children abandoned by their parents or convicted of vagrancy or any petty offence.	„	III.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
Apprentices—Children brought up by any public charity by whom to be bound.	XIX.	IV.		
„ Boys may be bound in the Sea Service to any of Her Majesty's Subjects being owners of Ships belonging to and trading from any registering port in the Company's Territories.	„	V.		
„ Boys may in like manner be bound for Sea Service in any of the Company's Ships.	„	VI.		
„ Master of Ships in which an Apprentice shall be appointed to serve shall be deemed Agent of the party to whom he is bound	„	VII.		
„ Contract of apprenticeship how to be drawn	„	VIII.		
„ Contract to be signed by what parties.	„	IX.		
„ Contracts executed as above where to be deposited. Certified Copies shall be received as evidence	„	X.		
„ Terms of Service may be changed during the apprenticeship, or the contract determined with the consent of the parties	„	XI.		
„ may be assigned by the Master to any other person with the consent of the parties concerned.	„	XII.		
„ Complaints by or on behalf of—how to be tried and disposed of.	„	XIII.		
„ Contract not cancellable, and Masters and Agents not liable to criminal proceeding for moderate chastisement given to any apprentice; but criminal proceeding may be adopted against Masters in certain cases.	„	XIV.		
„ how to be punished for ill-behaviour and for absconding.	„	XV.		
„ Magistrate may order the contract to be cancelled with the consent of the parties upon complaint of repeated ill-behaviour on the part of the apprentice, though the charge be not proved	„	XVI.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
Apprentices—any sum recovered on behalf of the—on cancelling the contract how to be disposed of by the Magistrate.	XIX.	XVII.		
„ Period limited for preferring complaints by Masters against—and *vice versâ*.	„	XVIII.		
„ If Masters die before the end of apprenticeship the proportionate part of the premium paid by the apprentice to be returned by the executor unless he retains his services.	„	XIX.		
„ The Executor's offer to keep the apprentice, how to be certified.	„	XX.		
„ shall be entitled to 3 months' maintenance after the Master's death, provided the apprentice lives with the executor.	„	XXI.		
„ of persons becoming Bankrupts or Insolvents shall be discharged from all obligation under the contract, and the premium paid how recoverable. ...	„	XXII.		
„ Amenability to the Courts and Magistrates of the East India Company of British Subjects and others in the Company's Territories without the Towns.	„	XXIII.		
„ Appeal shall lie to Sessions Court from the orders of Magistrates without the Towns.	„	XXIV.		
„ Meaning of certain words used in this Act explained.	„	XXV.		
„ Schedules A and B.	„			
Article of War—part of 113th, repealed.	XXXVI.	I.		
B.				
Beggars—Penalty for Masters or Nakodas of Ships, Junks, &c., landing diseased or disabled—within the Straits Settlements.	XLI.	I.	.....	Straits Settlements.
„ who have not resided one month in the Settlement, may be removed to the place whence they were brought,				

and

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1850.			
and the cost of removal may be recovered from the Master of the Vessel by whom they were brought...	XLI.	II.		
Beggars—Penalty for Masters or Nakodas not delivering to the Master Attendant of the Port within 24 hours a true and complete list of Passengers.	„	III.		
Board of Customs, Salt and Opium, and the Sudder Board in the Lower Provinces, consolidated.....	XLIV.	....	.....	Bengal.
„ of Revenue for the Lower Provinces—The Sudder Board shall hereafter be styled as.....	„	III.		
Bombay—Special Duty on Tobacco in—(See Tobacco.)				
Bombay and Colaba—Sections 15 to 21 of Act XXVIII. of 1839, extended to enable Courts of Petty Sessions to take ground or building in—for Railway or other public purposes....	XVII.	I.	.....	Bombay.
Bombay Ferries—(See Ferries.)				
Bombay Salt Revenue—(See Salt.)				
Boundary disputes concerning Zemindaries in the Tributary Mehals in Cuttack—(See Cuttack.)				
Breach of Trust—Persons in the East India Company's or Her Majesty's service embezzling chattel, money or valuable security, shall be deemed to have feloniously stolen the same.....	XIII.	I.	.....	General.
„ Certain Officers in the two Services enumerated as coming within the scope of this Act.	„	II.		
„ Clauses 99 to 104 of Act IX. Geo. IV. regarding Criminal Justice in East Indies, repealed.....	„	III.		
„ A Clerk or Servant stealing Chattel, Money, &c., belonging to his Master, how punishable.....	„	IV.		
„ A Clerk or Servant receiving and embezzling any Chattel, Money, &c., shall be guilty of what offence.....	„	V.		
„ Every Member and Officer of a Trading Corporation or Company, and				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
every Banker, Merchant, Factor, Broker, Attorney or other Agent shall be deemed to have feloniously stolen the property entrusted to him for safe custody or any special purpose, if the same be otherwise disposed of.....	XIII.	VI.		
Breach of Trust—Every Sub-Agent, Clerk or Servant of any such Trading Corporation or Company, or of any Banker, Merchant, Factor, Broker or other Agent who shall fraudulently apply any Chattel, Money, &c., entrusted to the Company or Persons by whom he is employed knowing the purpose of the trust, shall be deemed to have committed what offence.....	,,	VII.		
,, Persons embezzling Chattel, Money, &c., entrusted to them by others shall be deemed to have feloniously stolen the same.....	,,	VIII.		
,, Persons convicted under this Act of having feloniously stolen property, how to be punished.	,,	IX.		
,, Definition of valuable Security.	,,	X.		
,, Offenders under this Act may be proceeded against on the same charge for any number of distinct acts within 6 months.	,,	XI.		
,, If the offence relates to money, Bank note, &c., allegation in the indictment of the embezzlement or fraudulent application of money, sufficient, without specifying the particular coin or security.	,,	XII.		
,, Declaration in the indictment of the person to whom the property embezzled belongs, or any description of the property other than its general character not necessary, and the mention of the capacity in which the accused received the property embezzled, sufficient.....	,,	XIII.		
,, The Court before which any offender is tried may make amendments				

necessary

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
necessary by reason of variance between the statements and evidence as to description of property, person, &c., ...	XIII.	XIV.		
Breach of Trust—Offenders may be tried and punished by any Court of competent jurisdiction.....	,,	XV.		
,, Punishment of offender not to lessen his own or the liability of his sureties to make good the loss.	,,	XVI.		
,, Penalty for persons charged with a breach of trust but proved only to have knowingly furnished false accounts of money received or paid.....	,,	XVII.		
British subjects—administration of Estates of— (See Administrator General.)				
C.				
Calcutta—First seven sections of Reg. I. of 1824, Bengal Code, made applicable to Lands within, needed for public purpose.	I.	I.	.....	Town of Calcutta.
,, Government Securities on account of purchase money reserved according to the 5th Clause of Sec. VI. of the said Regulation, with whom to be deposited.	,,	II.		
,, Interest of such securities how to be applied and disposed of..... ..... (See Regulation.)	,,	III.		
,, Lands in—how to be assessed.....	XXIII.	I.	.....	Calcutta.
,, Lakhiraj Tenures of what character shall be valid.....	,,	II.		
,, Non-payment of assessment how leviable.	,,	III.		
,, If paid by any tenant he may deduct the amount from the rent payable to his landlord.	,,	IV.		
,, Company's Land Revenue or rent to have priority of claim over all others				

upon

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
upon the land or the property distrained.	XXIII.	V.		
Calcutta—The Collector's process of distraint for arrears not to be stayed, unless the amount be lodged with him.	„	VI.		
„ Time limited for recovery of arrears becoming due after the passing of this Act.	„	VII.		
„ Claims to Lakhiraj tenures how to be disposed of by the Collector and Commissioner.	„	VIII.		
„ Penalty for obstructing or molesting the Collector or his subordinates in the execution of their duty.	„	IX.		
„ Penalty for Contempt committed in the Collector's Cutcherry.....	„	X.		
„ Collector to act under control of Superior Revenue Authorities.....	„	XI.		
„ Under 21 Geo. III. C. 70, the Supreme Court shall have no jurisdiction over matters concerning the Calcutta Ground Rents.....	„	XII.		
„ All actions concerning ground rents in—triable in the 24-Pergunnahs Civil Court.....	„	XIII.		
„ Meaning of "Collector" and "Commissioner" as used in this Act, explained.	„	XIV.		
„ Part of Act XVI. of 1847 as relates to the election and time of holding office of the Municipal Commissioners for the Town of—repealed.	XXXIX.	I.	.....	Calcutta.
„ Commissioners shall continue to exercise their powers under the said Act until 1st March 1851, or until other provision be made.....	„	II.		
Coasting Trade of India may be carried on by other than British Ships—(See Foreign Ships.)	V.	....	.....	General.
Colaba—Ground and Building taken for Railway and other public purposes—(See Bombay and Colaba.)				
Commander-in-Chief may pardon persons convicted by Courts Martial for offences against Articles of War for the				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
government of Native Soldiers and Officers, or may remit any part of the punishment awarded against them. ...	VI.	I.	.....	General.
Commander-in-Chief shall issue a Warrant for granting pardon.....	„	II.		
„ Warrant by whom to be countersigned.	„	III.		
„ Sheriff and Gaolers shall give effect to the Warrant.	„	IV.		
Commission of Enquiry into the Conduct of Public Servants—(See Public Servants.)				
Commissioners for the Improvement of the Town of Calcutta—(See Calcutta.)				
Confinement of State Prisoners—(See State Prisoners.)				
Coroner may hold inquest on a body lying dead within his jurisdiction, though the cause of death may not have arisen there.	XLV.	I.	.....	General.
Counsel allowed to persons on the trial of offences in Courts and before Magistrates under the Company's authority, and the accused may personally or by his Agent make his defence. ...	XXXVIII.	I.	.....	General.
„ Such Courts and Magistrates may allow any prosecution to be conducted by an Agent.	„	II.		
„ What particular persons shall act as Agents.....	„	III.		
„ Presence of Prosecutor or accused now required by law not to be dispensed with.	„	IV.		
Court of Small Causes—(See Small Debts.)				
Cuttack—disputes concerning boundaries of Zemindaries between the Tributary Mehals of—and the Regulation Provinces, how to be settled.	XX.	I.		
D.				
Defaults of Public Accountants—(See Public Accountants.)				
Defence—Counsel allowed for the—of prisoners—(See Counsel.)				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
Deposits—Forfeiture of—at Sales of Putnee Tenures and Lands belonging to Judgment Debtors. (See Lands.)				
District Moonsiffs—No person by reason of place of birth or of descent exempted from the Jurisdiction of—	III.	I.	.....	Madras Presidency
Drugs—Administration of—(See Poisoning.)				
Duty—Import and Export Trade in Aden exempted from—(See Aden,) ...	X.	I.		
Duty on Tobacco in Bombay—(See Tobacco.)				
E.				
Embezzlement—(See Breach of Trust.)				
Estates of British Subjects—Administration of—(See Administrator General.)				
F.				
Ferries—Public—Government may declare what shall be—establish new ones and make changes therein.	XXXV.	I.	.....	Bombay.
„ Tolls shall be settled from time to time.	„	II.		
„ Body of Soldiery on their march exempted from tolls.	„	III.		
" Boats to be provided and the Crew appointed by Authority.	„	IV.		
„ A Toll Keeper to be appointed at every Ferry Station.	„	V.		
„ A Table of Tolls to be hung up at do.	„	VI.		
„ Penalty for Toll Keepers neglecting to hang up, or removing or altering the same.	„	VII.		
„ Penalty for Toll Keepers asking or taking unauthorized tolls or wilfully delaying passengers, &c., ...	„	VIII.		
„ Penalty for persons refusing to pay the Toll and obstructing the Toll Keepers in the execution of their duty, as also for maliciously doing damage				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
to any Toll-bar, Boat and the Table of Tolls.	XXXV.	IX.		
Ferries—Public Boats shall be numbered and registered and the names of all Tindals and others as also the Toll Keepers to be registered.	,,	X.		
,, Rules shall be made for the management of the Boats as to the number of Passengers and the quantity of goods &c., to be carried at one trip. Penalty for Tindals, Toll Keepers and others infringing such Rules.	,,	XI.		
,, may be leased for any period not exceeding 7 years.	,,	XII.		
,, established between the Island of Bombay and the Main-land and the adjacent Islands, shall cross each way at least once daily.....	,,	XIII.		
,, Penalty for persons without license conveying for hire passengers' goods, &c., from any part of the Islands of Bombay and Colaba across the Harbour of Bombay to the Main-land or any adjacent Islands.—Exemptions.....	,,	XIV.		
,, Penalty for persons without license conveying passengers, animals, &c. across any other arm of the sea, creek or river to any point or place on the opposite bank within 3 miles on either side.....	,,	XV.		
,, Offences against this Act where to be heard and determined. Penalties how recoverable.....	,,	XVI.		
,, Tolls, Rents and Penalties shall form a general fund and how applicable....	,,	XVII.		
,, Persons shall be appointed for carrying this Act into execution with salaries to be paid out of the Fund.	,,	XVIII.		
Fines to be added to punishments already inflicted on persons convicted in the Company's Courts of offences concerning property, and the same may be distributed among the sufferers. (See Property.)	XVI.	I.	.....	General.

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
Foreign Ships may convey goods and passengers from one part of the Company's Territories to another.	V.	.....	.....	General.
G.				
Governor General—Power of—during his absence in the North Western Provinces from the Council of India....	XXII.	I.		
„ Act when to take effect.	„	II.		
H.				
Hindoos—Right of inheritance of—(See Inheritance.)				
I.				
Improvement of Towns—(See Municipal.)				
Inheritance—Right of—of Hindoos and Mahomedans not impaired at Law by reason of their renouncing or having been excluded from the communion of any religion.	XXI.	I.		
Inquiry into the conduct of Public Servants—(See Public Servants.)				
J.				
Jails—Confinement of State Prisoners in —(See State Prisoners.)				
Joint Stock Companies—of what nature and character will be entitled to Registration.	XLIII.	I.	.....	General.
„ Supreme Courts may on Petition order Registration of—	„	II.		
„ Petition containing certain particulars to be filed with a Deed of Partnership and a list of Directors and Shareholders verified by the Secretary or Manager.	„	III.		
„ Directors shall call for a Meeting of Shareholders to resolve upon the registration of—which have been				

carried

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1850.			
carried on before registration without any provision for registration in the Deed of Partnership.	XLIII.	IV.		
Joint Stock Companies—Resolution for registration of one-half of the Shareholders owning one-half of the Shares shall be binding on the Company. ...	,,	V.		
,, The petition for registration to contain certain other particulars concerning the Meeting.	,,	VI.		
,, Liability of Directors to the Company shall not disqualify it for registration, but such Directors shall cease to continue as such.	,,	VII.		
,, Registered Companies shall be subject to the following Regulations.	,,	VIII.		
,, One or more Ordinary General Meetings to be held every year.	,,	,,	1	
,, Seven Shareholders may call an Extra General Meeting.	,,	,,	2	
,, Purchasing their own Shares or lending Money on the Security of such Shares, shall be deemed breach of Trust, ...	,,	,,	3	
,, Registered Companies prohibited from making any loan of, or Securities for Money to any Director or Registered Officer, except in the case of Banking Companies.	,,	,,	4	
,, Members of a Local Committee at any Branch or Agency not to become Security for any person in any transaction with the Company, nor shall they incur any uncovered liability. ...	,,	,,	5	
,, The accounts to be audited half-yearly.	,,	,,	6	
,, Auditor's Report, Balances and Accounts to be filed in the Court and furnished to the Shareholders on demand.	,,	,,	7	
,, Disobedience on the part of Directors to any order of the Supreme Court for enforcing performance of their duties shall be deemed contempt of Court.	,,	IX.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
Joint Stock Companies—A Memorial of Partners with particulars and of Directors and Registered Officers to be filed within the first week of January and July, and all changes as they shall happen.	XLIII.	X.		
„ Names of two or more persons holding any share to be entered in the Memorial; in case of other Registered Companies owning Shares, the name of such Companies to be entered only....	„	XI.		
„ Memorials by whom to be signed and how verified.	„	XII.		
„ Copy of Registered Deed or Memorial shall be received in evidence before all Courts.	„	XIII.		
„ All persons to be allowed to inspect or to have copies of Deeds, or Memorials.	„	XIV.		
„ Fees to be established by the Court for Registering Deeds and Memorials and allowing inspection and furnishing copies thereof.	„	XV.		
„ Shares how transferable.	„	XVI.		
„ Shares not transferable until all calls due by holders of such Shares shall have been paid.	„	XVII.		
„ Memorial to be made and filed of such transfers.	„	XVIII.		
„ Transfers when to be deemed complete, and the liability of the Shareholder when to cease and that of the purchaser to commence.	„	XIX.		
„ Supreme Court may order material errors in Memorials filed to be corrected.....	„	XX.		
„ Directors may close Register of Transfers for 14 days before payment of dividend.....	„	XXI.		
„ The Company shall not see to any Trust to which a Share is subject. A receipt from what persons shall be a sufficient discharge for dividends.....	„	XXII.		
„ A Registered Company shall sue and be sued in the name of the				

Company.

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
Company. Service of process on a Registered Officer sufficient.	XLIII.	XXIII.		
Joint Stock Companies—The Registered Company may be named in any indictment or information for any offence against their money or goods.	„	XXIV.		
„ Suits proceeded with in the name of the Company, shall be nonsuited, unless begun by order of competent persons on behalf of the Company. ...	„	XXV.		
„ Suits, indictments, &c. shall not be prejudiced by reason of change in the partnership or direction.	„	XXVI.		
„ No suits by or against the Company shall be affected by the defendant or plaintiff being a Shareholder of the Company.	„	XXVII.		
„ Unpaid Capital on account of the Capital Stock of the Company, how recoverable.....	„	XXVIII.		
„ A Registered Company committing an act of forfeiture shall be liable to the jurisdiction of the Insolvent Court.	„	XXIX.		
„ Adjudication of forfeiture not to affect individual Members of the Company.	„	XXX.		
„ The Assignee shall be vested with the whole of the real and personal property of the Company, with all their other rights mentioned.....	„	XXXI.		
„ The Assignee may compromise any debts or claims belonging to the Company.....	„	XXXII.		
„ Directors when unable to meet engagements shall publish a resolution of their inability, and what shall be the effect of such resolution.....	„	XXXIII.		
„ Creditors may petition the Insolvent Court if the Company do not satisfy judgments within two months, and how the Court shall act in such case.	„	XXXIV.		
„ Upon filing of any Petition the Court shall make the like vesting order in				

favor

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
favor of the Assignee as in individual cases.	XLIII.	XXXV.		
Joint Stock Companies—The Directors shall furnish a balance sheet and accounts, and assist the Assignee in closing the affairs of the Company. ...	,,	XXXVI.		
,, Creditors of the Company shall not enforce their claim against any Shareholder otherwise than under this Act, except for any special contract in his individual capacity.	,,	XXXVII.		
,, The Official Assignee shall assess the amount of liability of the Company among the Shareholders, non-payment by them within the period ordered shall be an act of insolvency.	,,	XXXVIII.		
,, If full satisfaction cannot be obtained within reasonable time from the incumbent Shareholders, persons who shall have been Shareholders within 3 years before the adjudication shall be assessed to such amount as the Court may order.	,,	XXXIX.		
,, The Court may make allowances for unrealized assets of the Company. ...	,,	XL.		
,, No assessment shall be set aside by reason of excess of others: The Court may reduce any assessment.	,,	XLI.		
,, If on realizing the assets a balance shall remain after paying the Company's Debts, the same how to be disposed of.	,,	XLII.		
,, Liability of certain retired Shareholders to contribute.....	,,	XLIII.		
,, What proceeding shall be adopted in cases where the aid of a Court of Equity is necessary for closing the affairs of the Company.....	,,	XLIV.		
,, Supreme Court may make orders for claims of any Shareholder against another.	,,	XLV.		
,, Whenever any Shareholder shall be adjudged an insolvent the Assignee shall rank as a creditor of his Estate on behalf of the Company.	,,	XLVI.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
Joint Stock Companies—After the affairs of any Registered Company are closed under this Act, the partnership shall be dissolved.	XLIII.	XLVII.		
„ Schedule.	„			
Judicial Officers protected from being sued in any Civil Court for any official act, as well as persons belonging to their Courts for executing their orders.....	XVIII.			
Jurisdiction of Sudder Ameens and District Moonsiffs in the Madras Presidency extended.	III.	I.		
(See District Moonsiffs and Sudder Ameens.)				
Justices of the Peace in the Straits Settlements vested with the powers of those for the Town of Calcutta in trying and punishing larcenies, &c. ...				
(See Straits Settlements.)				
L.				
Land Revenue of Calcutta—(See Calcutta.)				
Land—Forfeited deposits at Sale of—under Regulation VIII. of 1819 and Act IV. of 1846, no longer to be regarded as part of the proceeds.....	XXV.	I.	.....	Bengal.
„ Such forfeitures how to be applied hereafter.....	„	II.		
Lands in Calcutta taken for public purposes—Law for confirming title to—	I.			
(See Calcutta and Regulation.)				
Larcenies—Trial and punishment of—in the Straits Settlements—(See Straits Settlements.)				
M.				
Magistrates in the Straits Settlements vested with the powers of those for the Town of Calcutta—(See Straits Settlements.)				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
Mahomedans—Right of Inheritance of—(See Inheritance.)				
Malacca—(See Pawnbrokers.)				
Malacca—(See Beggars.)				
Merchant Seamen—Registry of—(See Registry.)				
Military Offences—(See Commander-in-Chief.)				
Moonsiffs—(See District Moonsiffs.)				
„ Sections 10 and 12, Regulation XXVI. of 1814, Bengal Code, made applicable to suits, in the Courts of—in the Bengal Presidency.	XV.	I.	.....	Bengal.
„ Act XII. of 1843 shall apply to points to be established or on which proofs are required by the Court.	„	II.		
Municipal Improvements—This Act may take effect in any Town or Suburb beyond the Towns of Calcutta, Madras and Bombay, if the inhabitants are desirous for making.	XXVI.	II.	.....	General.
„ Application for having the Act put in force in any Town or Suburb, how to be notified for ascertaining the wishes of the inhabitants.	„	III.		
„ This done notice to be given of a final order as to whether the Act shall or shall not take effect wholly or partially in such Town.	„	IV.		
„ Publication of such order shall be evidence that the provisions of this Act have been complied with, and that it is thenceforth in force within the Town.	„	V.		
„ Commissioners shall be appointed with authority for preparing Rules for the purposes of the Act.	„	VI.		
„ What shall be the objects of the Rules.	„	VII.		
„ Commissioners shall make contracts and apply the taxes raised in necessary works and expences.	„	VIII.		
„ Commissioners not personally liable for any contract, but shall be liable for misapplication of Monies.	„	IX.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
Municipal Improvements—Arrears of Taxes and Penalties how recoverable.	XXVI.	X.		
„ No rate shall be invalid for defect of form; description of property as generally known sufficient; naming the owner or occupier not necessary.....	„	XI.		
„ Moveable property shall be seized and sold for Arrears of Tax.....	„	XII.		
„ Commissioners shall send up to the Government every year an account of all works executed and sums received and spent by them.....	„	XIII.		
„ Government may suspend the operation af this Act in any Town, and appoint persons to report upon the behaviour of the Commissioners or any of them or their officers.....	„	XIV.		
Municipal Law of Calcutta amended so far as regards the Commissioners. (See Calcutta.)				
N.				
Native Officers and Soldiers—(See Soldiers.)				
O.				
Offences—Military—Pardon of—(See Commander in Chief.)				
Officers—Native, Military—(See Soldiers.)				
P.				
Pardon of Military Offences—(See Commander-in-Chief.)				
Passes granted to Ships belonging to Native Princes or States in alliance with the East India Company, wherever the same may have been built..... (See Ships.)	XI.			
Pawnbrokers shall take out a License from the Superintendent of Police				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
of the Station where their Shop is situated.	XL.	II.	.....	Straits Settlements.
Pawnbrokers—Penalty for persons trading as—without License and taking in pledge goods for Loans under 150 Dollars.	,,	III.		
,, Penalty for Licensed—taking goods on pawn between Sunset and Sunrise.	,,	IV.		
,, Penalty for pledging or buying goods belonging to European or Native Soldiers without authority from the Commanding Officer.	,,	V.		
,, Penalty for pledging or buying goods from any Child apparently under age.	,,	VI.		
,, shall report to the Superintendent of Police all cases of suspicion, keep proper entries of every article pledged and give a duplicate of the entry to the person pawning, in default what shall be the penalty.	,,	VII.		
,, Penalty for failing to produce all entries before the Police Officer whenever called upon to do so.....	,,	VIII.		
,, Penalties may be imposed on conviction before two Justices of the Peace and how to be levied.	,,	IX.		
,, Act when to take effect.	,,	X.		
Pleaders—Section VIII., Act IV. of 1846, not applicable to private agreements between parties and their pleaders before the passing of that Act.	XXX.	I.	.....	General.
,, allowed for the defence of Prisoners in the Company's Courts—(See Counsel.)				
Poisoning for doing bodily harm, how punishable, ...	XXIX.	I.	.....	General.
,, with intent to murder, but the offence proved to be one under this Act, how punishable.	,,	II.		
,, Act to be construed with and as part of Act XXXI. of 1838.....	,,	III.		
Prince of Wales' Island—(See Beggars.)				
Prince of Wales' Island—(See Pawnbrokers.)				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
Principal Sudder Ameens within the Bengal Presidency empowered to confirm decisions on certain appeals without any notice to the respondents. ..... (See Appeals and Regulations.)	VIII.			
Prisoners may be removed from one prison to another within the Company's Territories by order of the Governor or Governor in Council of any Presidency without application to the Superior Criminal Court.	VII.	II.	.....	General.
„ Time of removal shall reckon as part of the period of imprisonment.	„	III.		
Prisoners—(See State Prisoners.)				
Property—Fine may be added to punishment awarded by Criminal Courts in the Company's Territories to persons convicted of offences concerning—not exceeding the value thereof and may be distributed among the sufferers.	XVI.	I.	.....	General.
„ Payment of such fines how to be enforced.	„	II.		
Protection of Judicial Officers—(See Judicial Officers.)				
Public Accountants to give Security for the discharge of their trusts, and account of monies coming in their possession.	XII.	I.	.....	General.
„ Amount of security how to be fixed.	„	II.		
„ Definition of a Public Accountant. ...	„	III.		
„ How and by whom to be proceeded against for defalcations.	„	IV.		
„ Laws for the recovery of Arrears of Land Revenue due to Government and for recovery of damages by persons wrongfully proceeded against for any such Arrear, shall apply to Public Accountants.	„	V.		
„ Sales of Estates made before the passing of this Act for satisfaction of security bonds how to be dealt with.	„	VI.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
Public Servants—Government may order a formal enquiry into charges against—	XXXVII.	II.	.....	General.
„ Inquiry to whom to be entrusted. ...	„	III.		
„ Government to appoint some person to conduct the prosecution.	„	IV.		
„ Penalty for persons making false accusations, which shall be reduced to writing and verified by oath. Accusation on oath not necessary on the part of Government.	„	V.		
„ An accuser shall furnish security that he shall prosecute the charge thoroughly and answer any counter-charge against him for malicious prosecution or perjury.	„	VI.		
„ Government may abandon the prosecution, and allow the accuser to continue it.	„	VII.		
„ Powers of the Commissioners of Inquiry.	„	VIII.		
„ Penalty for disobeying any process for the purposes of the Commission...	„	IX.		
„ A copy of the Articles of charge and list of documents and witnesses when to be delivered to the accused.	„	X.		
„ At the beginning of the enquiry the Articles shall be openly read, and the accused required to plead guilty or not guilty; non-attendance on his part will be construed into admission of the charge.....	„	XI.		
„ The prosecutor shall then address the Commissioners in explanation of the charge.	„	XII.		
„ Examination of witnesses how to be conducted., ...	„	XIII.		
„ Commissioners may before the close of the case for the prosecution, allow new evidence. The accused in such case may have the proceedings adjourned for three clear days.	„	XIV.		
„ Accused shall make his defence orally or in writing.	„	XV.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
Public Servants—Evidence for the defence how to be taken.	XXXVII.	XVI.		
„ Witnesses shall be examined on oath, and for false evidence shall be liable to the penalties of perjury. A private prosecutor may be examined for both sides.	„	XVII.		
„ Notes taken in English of all oral evidence shall be read to each Witness.	„	XVIII.		
„ The inquiry shall end if the accused makes only an oral defence and offers no evidence. In case of a written defence and exhibition of evidence, the prosecutor may make a general reply and produce new evidence.	„	XIX.		
„ Commissioners may order amendments of any Articles of Charge not clearly drawn, and may, on application by either party, adjourn the inquiry.....	„	XX.		
„ After close of the inquiry Commissioners shall report to the Government the proceedings with their opinion....	„	XXI.		
„ Government may order further investigation, and in case of Special Commissioners consult the authority to which the accused may be subordinate, and will pass final orders thereon.	„	XXII.		
„ Meaning of the word "Government" as used in this Act, explained, ...	„	XXIII.		
„ This Act not to affect any Act or Regulation for the suspension of uncovenanted Judicial and Revenue Officers, but a Commission may sit for their trial.....	„	XXIV.		
„ The Authority of Government for suspending or removing any Public Servant without an enquiry to remain unaffected.	„	XXV.		
Public Works—(See Railways.)				
Putnee Lands—Forfeiture of deposits at sales of—under Regulation VIII. of 1819—(See Lands.)				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
Putnee Tenures—Petition to the Civil Court for the sale of—no longer necessary: one to the Collector sufficient.	XXXIII.	I.	.....	Bengal.
„ Sales held without presenting such petitions to Civil Courts and for the reversal of which no suit was commenced before 4th April 1850, declared valid.	„	II.		
„ Putneedars whose tenures have been sold before this Act, without presenting such petitions to Civil Courts may sue Zemindars for actual loss sustained by them.	„	III.		
R.				
Railway—Grounds and Buildings taken for—in Bombay and Colaba. (See Bombay and Colaba.)				
Railways declared Public Work within the meaning of Regulation I. of 1824, Bengal Code.	XLII.	I.	.....	Bengal Presidency.
„ Power of persons employed in Surveying Lands for—or other Public Works.	„	II.		
„ The Proper Officer of Government shall take account of all necessary damage for awarding compensation.	„	III.		
„ Penalty for obstructing or doing damages to Railway Works.....	„	IV.		
„ The Officer may take immediate possession of Lands required, and the consideration how to be paid. Obstruction of possession how to be dealt with.	„	V.		
„ Surrender of Lands how to be enforced in case of impediment.	„	VI.		
„ Lands may be temporarily occupied for the purposes of—and compensation allowed for such occupation and any damage done to the Lands.	„	VII.		
„ The Officer may execute, award and do all things for completing the work				

without

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
without reporting to the Local Government.	XLII.	VIII.		
Railways—Lands taken otherwise than according to Regulation I. of 1824 shall vest in the East India Company after 5 years, if no claim were preferred during that period.	,,	IX.		
,, The 5 years how to be reckoned....	,,	X.		
,, In cases of suits begun in 5 years and the right of plaintiffs established, the claim how to be adjusted.	,,	XI.		
Register Office for Merchant Seamen to be established at the Ports of the several Presidencies, and other Ports as shall be necessary.	XXVII.	I.	.....	General.
,, A Registrar to be appointed with Establishment.	,,	II.		
,, Each Registrar shall with two sureties execute bonds to the East India Company for the faithful performance of his duty and due application of all Monies.	,,	III.		
,, Conditions of Registry of persons to serve as Seamen on board Vessels navigating from any of the Company's Port and registered as a British Vessel.	,,	IV.		
,, Every Seaman appearing at the Office shall be registered.	,,	V.		
,, A Register Ticket to be given for a fee to every Seaman containing a description of him and the class he belongs to.	,,	VI.		
,, A Seaman losing his Ticket shall have another on payment of an extra fee, if no fraud has been committed.	,,	VII.		
,, The Tickets of Seamen when in prison how to be taken care of. Whenever Seamen are sentenced to death or transportation, their Tickets to be sent to the Registrar.	,,	VIII.		
,, List of cancelled and lost Tickets to be published from time to time and sent to different Public Officers mentioned.	,,	IX.		
,, Penalty for Masters of Vessels engaging unregistered Seamen or those with cancelled Tickets.	,,	X.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
Register Office—Penalty for persons applying for Register Tickets making false statements.	XXVII.	XI.		
„ Penalty for abuse of Tickets.	„	XII.		
„ Penalty for persons retaining Register Tickets of Seamen of which they have come in possession either by death of such Seamen or otherwise. ...	„	XIII.		
„ Penalty of Seamen for tendering to Masters of Vessels cancelled Tickets or Tickets not lawfully issued to them.	„	XIV.		
„ Penalties by whom to be imposed and how levied.	„	XV.		
„ Fees received by the Registrar how to be applied. A yearly duty to be levied on Vessels of certain capacity for the same purpose.	„	XVI.		
„ Schedules A. and B.	„			
Registration of Joint Stock Companies. (See Joint Stock Companies.)				
Registry of Ships—(See Ships.)				
Regulation I. of 1824, First Seven Sections of—Bengal Code, made applicable to Lands within Calcutta, needed for public purpose. ..... (See Calcutta.)	I.	I.		
„ VI. of 1793, Section X. of—				
„ XII. of 1797, Section III. of—				
„ XXVI. of 1814, Section VIII. of Bengal Code, Modified. .... (See Appeals.)	IV.	....	.....	Bengal.
„ V. of 1831, Clause 3, Section XVI. of—Bengal Code, extended to Principal Sudder Ameens. ..... (See Appeal and Principal Sudder Ameens.)	VIII.	I.	.....	Bengal.
„ VII. of 1832, Section IX., Bengal Code—the principle of—extended throughout the Company's Territories.....	XXI.	.....	.....	General.
„ XXVI. of 1814, Sections 10 and 12 of—Bengal Code, made applicable to suits in the Moonsiffs' Courts in the Bengal Presidency. ..... (See Moonsiffs.)	XV.	I.	....	Bengal.

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
Regulations XXXIII. of 1827, and XV. of 1828, Bombay Code, repealed.....	XXIV.	I.		
„ VIII. of 1819—so much of Section IX.—Bengal Code, as relates to forfeiture of deposits at Sales of Land under the above Regulation being regarded as part of the proceeds, repealed.....	XXV.	I.	.....	Bengal
(See Land and Putnee Tenures.)				
„ VIII. of 1819, Clause 2, Section VIII. Bengal Code, modified.....	XXXIII.			
„ III. of 1818, Bengal Code, explained and extended.....	XXXIV.			
„ VII. of 1830, passed by the Governor of the Straits Settlements, and Regulation XI. of 1833, Bengal Code, repealed with certian exceptions.....	XL.	I.		
„ I. of 1824, Bengal Code, extended in certain respects.....	XLII.			
„ IV. of 1819, Bengal Code, rescinded.	XLIV.	I.		
Religion—Renouncing—no bar to the right of inheritance.—(See Inheritance.)				
Restitution of the value of stolen property.—(See Property.)				
Revenue—Land—of Calcutta.—See Calcutta.				
Revenue Board—(See Board.)				
S.				
Sale of Putnee Tenures.—(See Putnee Lands.)				
Salt—Customs duty on—passing into or out of foreign European Territories leviable within the Bombay Presidency.....	XXXI.	I.	.....	Bombay.
„ The same to be levied under what rules and restrictions.....	„	II.		
„ Penalty for passing illicit Salt.	„	III.		
„ Passed or attempted to be passed contrary to this Act shall be liable to confiscation with conveyances and packages.....	„	IV.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
Salt—Informers may be rewarded through whose means seizures may be made.	XXXI.	V.		
„ Penalty for persons using new or re-opening Salt Works without permission of Government.....	„	VI.		
„ Government may suppress any work not producing a yearly average of 5000 Maunds.....	„	VII.		
„ Applicability of Section VII., Act XXVII. of 1837.	„	VIII.		
Seamen—Registry of—(See Registry.)				
Seamen (Merchant)—Masters of Registered Vessels shall before putting to Sea make an agreement with his crew with certain specifications.	XXVIII.	I.		
„ Agreement how to be drawn and executed.....	„	II.		
„ Certified copy of the agreement shall be evidence on behalf of the Seamen. They are not required to produce agreement, and in case of non-production may establish their claims by other evidence.	„	III.		
„ Agreements purporting to deprive Seamen of their right or claim to wages or salvage not binding upon them.	„	IV.		
„ Their wages to be calculated by the calendar month.	„	V.		
„ Authority to the Registrar to receive part of the wages of Seamen during their absence for the maintenance of their families.	„	VI.		
„ Such payments when to cease.	„	VII.		
„ Such receipts and payments to be entered in a Book and authenticated by the Registrar.	„	VIII.		
„ Registrar shall at the time of agreement explain to the Seamen the conditions on which they can allot a part of their pay to their families. ...	„	IX.		
„ Penalty for Masters not delivering to the Registrar before leaving the Port				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
a list of every Seaman engaged by him in the Company's Territories. ...	XXVIII.	X.		
Seamen (Merchant)—Penalty for persons obstructing the Registrar or his Assistant in examining the Seamen on board in order to prevent their being unlawfully shipped.....	,,	XI.		
,, Registrar may stay the grant of Port Clearance if the Master, Owner or Agent evade or neglect these Provisions.	,,	XII.		
,, Balance of wages to be paid to the Seamen within 7 days after the arrival of the Vessel at the Port where the voyage ends or after the end of their services.	,,	XIII.		
,, Penalty for non-payment of the wages as prescribed above.	,,	XIV.		
,, Wages due to deceased Seamen, to whom to be made over, and how to be disposed of afterwards.	,,	XV.		
,, Penalty for Masters not paying the wages due to deceased Seamen within 10 days after the Vessel's arrival at the Port of Registry.	,,	XVI.		
,, Subsistence and passage of Seamen how to be provided for by Masters whenever the Vessel is sold at any Port out of the Company's Territories, or where their services shall end.....	,,	XVII.		
,, The expenses incurred for the above purpose by any person other than the Master, how recoverable....	,,	XVIII.		
,, The above 2 Sections shall not apply to Seamen who may give their consent to be discharged.	,,	XIX.		
,, In cases of disasters Seamen entitled to wages up to the time of wreck or loss of Ships.	,,	XX.		
,, Allowance of provisions at reduced rates to be compensated by increased wages proportionately.	,,	XXI.		
,, Assignment of Seamen's wages, &c. before the accruing thereof, or				

irrevocable

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
irrevocable Power of Attorney for receipt of wages, &c. not valid.....	XXVIII.	XXII.		
Seamen (Merchant)—Penalty for Owners not supplying a Vessel with the requisite medicine and appliances.	,,	XXIII.		
,, Expense of Medical Treatment of Master, Officer or Seamen and his subsistence until return to Port, shall be defrayed by the owner.....	,,	XXIV.		
,, Penalty for Seamen not working out their advance in Vessels other than those for which their services are engaged, but which are prevented by accidents from going on their intended voyage.	,,	XXV.		
,, Registrar may grant license to brokers to procure and to keepers of lodging-houses to allow Seamen to be engaged there.	,,	XXVI.		
,, Penalty for unauthorized persons engaging Seamen and obtaining their Register Ticket for engaging them on any Vessel, and for persons obtaining any consideration from Seamen for engaging them.	,,	XXVII.		
,, Brokers shall forfeit their license for engaging Seamen in unlicensed lodging-houses, and for being interested in such lodging houses.....	,,	XXVIII.		
,, Penalty for ill-advising Seamen and concealing deserters.	,,	XXIX.		
,, Penalty for a Seaman refusing to join Vessel or to go to Sea, and for absenting without leave or deserting.	,,	XXX.		
,, Penalty for Seamen absenting from or refusing to perform their duties, and for leaving without permission, after arrival of Vessels at Port of delivery.	,,	XXXI.		
,, Forfeitures to the owner for desertion.....	,,	XXXII.		
,, Excess of Wages paid to substitutes of deserters at out-ports how recoverable.....	,,	XXXIII.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
Seamen (Merchant)—What shall constitute a desertion.	XXVIII.	XXXIV.		
„ Penalty for harbouring or concealing deserters.	„	XXXV.		
„ Debts exceeding 3 Rupees incurred by Seamen after being engaged not recoverable till the end of their services. Penalty for keepers of lodging-houses detaining for alleged debts, chests, tools, &c. of Seamen....	„	XXXVI.		
„ Penalty for Masters not replacing Provisions, Water and Medicines on board ship declared by Surveying Officer as unfit for use.	„	XXXVII.		
„ Adequate shelter to be provided for every Seaman, and in default they shall be entitled to what compensation.	„	XXXVIII.		
„ Penalties how and by whom to be imposed and how recoverable.	„	XXXIX.		
„ Claims for wages or forfeitures by whom to be determined, and the amount with cost how recoverable. ...	„	XL.		
„ Definition of "Master," "Seamen," "Owner," and "Agent" as used in this Act.	„	XLI.		
„ Schedules A. and B.	„			
Servants—(See Public Servants.)				
Ships—Passes issued under Section 24 of Act X. of 1841 may be issued to—belonging to Native Princes or States in alliance with the East India Company or their Subjects, wherever they may have been built.	XI.	II.		General.
„ owned by British Subjects entitled to registry under Act X. of 1841, or by Native Princes or their Subjects, and employed only in coasting Voyage or between the Continent of India and Ceylon may be registered and obtain Passes.	„	III.		
Ships—Fees payable for Certificates of Registry.	„	IV.		
„ This Act to be construed with Act X. of 1841.	„	V.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
Singapore—(See Straits Settlements.)				
Singapore—(See Pawnbrokers.)				
Singapore—(See Beggars.)				
Small Debts—Courts of Commissioners and of Requests for the recovery of—shall be held under this Act.	IX.	I.	.....	General.
„ Application of the words "Governor in Council" or "Supreme Court" as used in this Act.....	„	II.		
„ All provisions of the Charter of Justice of King George the Second, and Acts of Parliament and of any Regulation, Act or Proclamation heretofore made for the constitution or practice of the Courts, repealed.	„	III.		
„ Courts how to be styled.	„	IV.		
„ Jurisdiction of the Courts shall be to the extent as at present, and may be further extended from time to time....	„	V.		
„ Courts under this Act shall be Courts of Record and Courts of Requests within the meaning of Act VII. of 1841, *Section VI.*	„	VI.		
„ Proceedings commenced before the passing of this Act how to be dealt with.	„	VII.		
„ The number of Judges not to exceed three, one of whom to be a Barrister.	„	VIII.		
„ The Judges restrained from practising as Advocate or Attorney in any of the Queen's or Company's Courts, and from Trading.	„	IX.		
"The Judges shall be removeable by order of the Governor General in Council.	„	X.		
„ Powers which may be exercised by the Judges of the Supreme Court in the Small Cause Court.....	„	XI.		
„ Duties to be performed by the Clerk and Bailiffs shall be performed in cases tried by a Judge of the Supreme Court by Supreme Court Officers.	„	XII.		

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1850.			
Small Debts—Clerk or Clerks may be appointed and removed by the Judges subject to the approval of the Governor in Council.	IX.	XIII.		
„ Duties of the Clerk defined.	„	XIV.		
„ The Judges may appoint, suspend and dismiss Bailiffs of the Court.....	„	XV.		
„ Duties of the Bailiffs defined.	„	XVI.		
„ Penalty for Clerks acting directly or indirectly as Attorney or Vakeel, or being concerned in any trade or profession. The same by whom and how leviable.	„	XVII.		
„ Security to be given by the Clerk and Bailiffs.....	„	XVIII.		
„ Rates of Fees payable.	„	XIX.		
„ Rule for payment of Fee or Commission. Judges may grant summons to poor plaintiffs without deposit, or with a partial deposit of fees and also may remit costs to poor suitors.	„	XX.		
„ The amount of fees may be lessened and again increased but not beyond the prescribed scale.	„	XXI.		
„ Rules to be made for securing the money in the hands of any Officers and for the application thereof.....	„	XXII.		
„ The Court shall sit daily except on certain holidays and each of the Judges may sit apart and with either of them.	„	XXIII.		
„ Persons forging the seal or any process of the Court, or making any use of the same or any paper falsely purporting to be a copy thereof, shall be guilty of felony.	„	XXIV.		
„ Amount of suits for debt or damage limited to 500 Rupees. Suits shall be heard ard determined in a summary way. Cases exempted from its jurisdiction.	„	XXV.		
„ On applications made for bringing a suit what shall be the procedure of the Court.	„	XXVI.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
Small Debts—Mis-statements of the cause of action how to be rectified. ...	IX.	XXVII.		
„ What shall constitute liability of persons to the jurisdiction of the Court.	„	XXVIII.		
„ What course to be adopted for the service of any summons or other process of the Court out of its district....	„	XXIX.		
„ Service of any summons or process out of the district of the Court, how to be proved.	„	XXX.		
„ Any minor may sue for wages or piece work or for work as a servant. ..	„	XXXI.		
„ The Court shall have jurisdiction in cases not exceeding 500 Rupees as whole or part of the unliquidated balance of partnership account, or the amount of a distributive share under an intestacy, or of any legacy under a will.....	„	XXXII.		
„ Executors and Administrators may sue or be sued as in his own right and judgment, and execution shall be the same as in the Supreme Court in like cases. No Executor or Administrator shall be summoned within six months after the death of the person whose Executor or Administrator he is.....	„	XXXIII.		
„ Plaintiffs not allowed to divide cause of action for bringing two or more suits, but having claims exceeding 500 Rupees may abandon the excess.	„	XXXIV.		
„ Persons exempted from liability to the processes of these Courts.	„	XXXV.		
„ Service of process to any one of two or more defendants sufficient. Every defendant who has satisfied a judgment may recover contribution from others jointly liable with him. In cases of misjoinder of defendants, the suit to be proceeded against such only against whom cause of action appears.	„	XXXVI.		

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1850.			
Small Debts—The Judges may determine questions of fact, law or equity.	IX.	XXXVII.		
„ On Plaintiff and Defendant appearing how shall the Judges proceed....	„	XXXVIII.		
„ A Defendant having a claim against the Plaintiff may set the same against Plaintiff's demand, and sue him for any balance due after such sett off. ...	„	XXXIX.		
„ The Judges may with the consent of both parties refer cases to arbitration.	„	XL.		
„ The Judges shall, subject to the approval of the Supreme Court, frame rules for regulating the practice and proceedings of the Court, and forms for every proceeding and keeping books, entries and accounts. In cases not expressly provided for, the practice in the Supreme Court may be adopted.	„	XLI.		
„ Cause to be struck out if the plaintiff shall not appear, and if he shall appear but fail to prove his demand the Judges may nonsuit the Plaintiff or give judgment for the Defendant; and in either case where the Defendant shall appear and not admit the demand, the Judges may award to the Defendant by way of costs and satisfaction for his trouble such sums as they may think fit. If the Defendant appears while the Plaintiff is absent and admits the claim and pays the fees, the Court may give judgment as if the Plaintiff had appeared.....	„	XLII.		
„ In case of non-appearance of Defendant a writ of attachment may be issued to compel his attendance, or the cause may be heard *exparte*, and the judgment shall be as valid as if both parties had attended; the Judges may however set aside any exparte judgment and grant new trial.	„	XLIII.		
„ The Judges may grant time to either party to proceed, and from time to				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
time adjourn any Court or the hearing of any cause.	IX.	XLIV.		
Small Debts—Defendant may pay into Court such sum as he shall think a full satisfaction for the plaintiff's demand and cost. If the plaintiff shall proceed and recover no further sum, he shall pay to the defendant the costs incurred by him after the payment.....	,,	XLV.		
,, In trials the parties, their wives and all other persons may be examined for either party, subject to the Regulations in force with respect to women of rank.	,,	XLVI.		
,, Persons giving false evidence on oath or affirmation shall be guilty of perjury.	,,	XLVII.		
,, Summonses to witnesses may be obtained with or without a clause for production of papers and any number of names may be inserted.	,,	XLVIII.		
,, Penalty for persons served with such *Summons refusing* or neglecting to appear, or to produce the papers required, and for refusing to swear and give evidence.	,,	XLIX.		
,, In suits for sums exceeding 30 Rupees, if any defendant evades process of the Court, or disposes of his property for defrauding the plaintiff or his creditors generally, or is about to withdraw his person and effects from the Court's jurisdiction, the Court may issue a warrant for the apprehension of such person and commit him to Jail until Security be given for his appearance until judgment.	,,	L.		
,, Payment of fine how to be enforced....	,,	LI.		
,, Costs of actions or proceedings shall be paid by or apportioned between the parties, and in default of special direction shall abide the event of the action.	,,	LII.		
,, Every order and judgment of the Court shall be final; but the Judges				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
may nonsuit the plaintiff in default of proof, entitling either party to the judgment of the Court, and the Court may in every case order a new trial.....	IX.	LIII.		
Small Debts—Causes of what nature and under what circumstances may be removed into the Supreme Court. ...	„	LIV.		
„ Under what circumstances questions of Law or Equity may be reserved for the opinion of the Supreme Court. If two Judges sit and differ in opinion the question may be referred to the Supreme Court.	„	LV.		
„ Judges may order debts, damages or costs to be paid by instalments.	„	LVI.		
„ In cases of cross judgments execution shall be taken out only for the balance remaining of the larger sum after deducting the smaller amount....	„	LVII.		
„ In default of payment of money ordered by the Court execution may issue against the body or goods and chattels of the defaulter.	„	LVIII.		
„ In cases of instalments execution shall not issue until after default of some instalment, and execution or successive executions may then issue for the whole or part of the amount....	„	LIX.		
„ Persons arrested in execution of a writ how to be dealt with.	„	LX.		
„ Persons shall not be imprisoned twice, nor execution issue against the body and goods at the same time under the same judgment.	„	LXI.		
„ Persons suing out a warrant shall deposit diet money for one week.....	„	LXII.		
„ On the execution of a warrant, diet money for the remainder of the month in which the warrant is executed, to be deposited with the keeper of the prison, and the same to be done monthly in advance so long as the debtor is to be kept in prison.	„	LXIII.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
Small Debts—In default of payment of the diet money the prisoner shall be discharged.	IX.	LXIV.		
„ Diet Money spent shall be costs in the cause, and that not spent repaid to the creditor.	„	LXV.		
„ Prisoners may be discharged on giving good Security for payment of debt and costs in full or by instalments. ...	„	LXVI.		
„ On payment of the debt and costs in full the prisoner shall be forthwith discharged.	„	LXVII.		
„ All property belonging to a prisoner or afterwards acquired by him shall be liable to be taken in execution after his discharge from prison for satisfaction of his debt and costs.....	„	LXVIII.		
„ Bailiffs in executing any process may seize Goods, Money, Bank Notes, Cheques or Securities for Money.....	„	LXIX.		
„ Such Cheques, &c. &c., shall be held by the Clerk for the amount due by the defendant, and the plaintiff may sue in the name of the defendant for the amount secured thereby.....	„	LXX.		
„ If from sickness or any sufficient cause the defendant is unable to pay his debt or damages, judgment order or execution might be suspended until the cause of his disability has ceased.	„	LXXI.		
„ Sale of goods seized in execution when to be made.	„	LXXII.		
„ Goods seized where to be deposited.	„	LXXIII.		
„ Judges may appoint persons for keeping possession and others to be sworn brokers and appraisers for the purpose of selling or valuing goods....	„	LXXIV.		
„ Such goods to be sold by one of such brokers and appraisers.	„	LXXV.		
„ What shall be the costs of the appraisement and sale, and how they are to be applied.	„	LXXVI.		
„ The Clerk shall keep an account of the proceeds and of the				

amounts

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850-			
amounts paid and reserved out of the same.	IX.	LXXVII.		
Small Debts—Judgment how to be executed when the defendant shall go out of the Court's jurisdiction before execution.	„	LXXVIII.		
„ Writs of error or *Supersedeas* sued for the reversing of any judgment how allowed to be prosecuted, and that in cases of what amount.	„	LXXIX.		
„ On payment, before sale of the goods, of the amount and costs, the goods seized in execution shall be discharged.	„	LXXX.		
„ The Clerk shall keep a record of all proceedings, which shall be authenticated by the Judges, and authenticated copies of such entries shall be admitted in all Courts.	„	LXXXI.		
„ Monies paid into Court on account of suitors for six years how applicable.	„	LXXXII.		
„ Penalty for misbehaviour in Court towards the Judges, Clerks or other Officers.	„	LXXXIII.		
„ Penalty for persons assaulting any Officer or Bailiff of the Court in the execution of his duty, and for rescuing persons arrested, or goods levied under process of the Court.	„	LXXXIV.		
„ Penalty for proved neglect of Bailiffs to execute Warrants.	„	LXXXV.		
„ Penalty for proved extortion or misconduct or non-payment of Money levied by any Clerk, Bailiff or Officer of the Court.	„	LXXXVI.		
„ Penalty for any Clerk, &c. exacting or accepting any unauthorized fee for any thing done for putting this Act into execution.	„	LXXXVII.		
„ Claims for goods seized in execution, the same belonging to persons not being the parties against whom the writ has issued, how to be satisfied....	„	LXXXVIII.		
„ Powers of Act VII. of 1847 shall be extended to the Court of Small Causes				

for

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
for the recovery of arrears of rent not exceeding 500 Rupees.	IX.	LXXXIX.		
Small Debts—Affidavit of arrear may be made either by the principal or agent.	,,	XC.		
,, Tenants or occupiers of Houses paying a rent of 500 Rupees per annum continuing to occupy without the owner's leave or under an expired lease or after notice to quit, to be summoned to show title to occupy the premises.	,,	XCI.		
,, In default of Tenants to comply with the requisition, the owner or agent shall give proof to the Court of his right to claim possession.	,,	XCII.		
,, Upon proof of due service of the summons and of the neglect of the Tenant, a warrant may be issued for giving possession of the premises. ...	,,	XCIII.		
,, If the Tenant or occupier be out of the Court's jurisdiction, what will be deemed a due service.	,,	XCIV.		
,, No action shall be against the Judges or Officers for issuing or executing the warrant or summons, by reason that the person suing out the same had no lawful right to the possession.	,,	XCV.		
,, Owners having right to the possession shall not be a trespasser for irregularity in the mode of proceeding for obtaining possession, but the party aggrieved may recover damages specially laid. ...	,,	XCVI.		
,, Absence of lawful right to the possession of the premises at the time of suing out the warrant shall be a trespass against the Tenant or occupier, and he may sue the person suing out the warrant, execution upon the warrant being stayed until judgment be given in the action of trespass.	,,	XCVII.		
,, Recovery of possession no bar to a regular suit in the Supreme Court for trying the title of the house, &c.	,,	XCVIII.		
,, Bonds shall be made to the other party to the action on its removal, or				

upon

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1850.			
upon staying, delaying or reversing any judgment or execution, or the execution of any warrant of possession, or on moving for a new trial or to set aside a verdict, judgment or nonsuit.	IX.	XCIX.		
Small Debts—Actions against any officer of the Small Cause Court, except in certain cases, may be brought in the Supreme Court by the party suing. ...	,,	C.		
,, In actions in the Supreme Court for less than 500 Rupees on contract; or less than 100 Rupees for wrong, the plaintiff shall recover such sum only and no costs, and how the question of cost to be disposed of if there be no verdict for Plaintiff.	,,	CI.		
,, No costs shall be allowed in suits brought in the Supreme Court against the Clerk, Bailiff or officer for grievances under pretence of the Court's process, where the damage does not exceed 500 Rupees.....	,,	CII.		
,, Penalties, fines and forfeiture authorized by this Act how to be levied.	,,	CIII.		
,, For non-payment of penalties, &c., forthwith upon conviction, the offender to be detained until return of warrant of distress of his property.	,,	CIV.		
,, If sufficient distress cannot be had the offender how to be dealt with.....	,,	CV.		
,, The Monies levied as penalties, &c. to be paid to the Clerk of the Court, and how applied.....	,,	CVI.		
,, Proceedings to be adopted by a Justice or Magistrate in regard to penalties recoverable before him by this Act. ...	,,	CVII.		
,, Form of conviction for offences against this Act.....	,,	CVIII.		
,, No order, verdict or judgment or other proceeding shall be quashed or vacated for want of form.	,,	CIX.		
,, Distress made under this Act shall not be unlawful, nor the person making it				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1850.			
a trespasser on account of any defect or want of form, but the person aggrieved may bring an action for special damage,	IX.	CX.		
Small Debts—Actions for any thing done in pursuance of this Act to be commenced within three months, and notice of the same to be given to the defendant at least a month before commencement of action.	,,	CXI.		
,, Schedule of Fees.	,,			
Soldiers—Native—shall not be entitled to pay or allowance when imprisoned under sentence of a Court Martial or Criminal Court, but shall be clothed and subsisted in manner directed by the Governor General in Council. ... (See Articles of War.)	XXXVI.	II.	.....	General.
State Prisoners may be confined by virtue of Warrants under Regulation III. of 1818, Bengal Code, in any Gaol of the Supreme Court or any Fortress or Gaol in any part of the Company's Territories.	XXXIV.	I.	.....	General.
,, The above Regulation extended to every Sheriff, Commandant or Officer having—in custody.	,,	II.		
,, Confined within the Jurisdiction of the Supreme Court under Warrant of the Governor General in Council, declared lawful.	,,	III.		
Stolen Property,—restitution of the value of—(See Property.)				
Straits Settlements—Magistrates and Justices of the Peace in the—vested with the powers given by Act XXI. of 1839, or Act III. of 1842 to the Calcutta Justices of the Peace for the trial and punishment of certain larcenies, felonies and assaults.	XIV.	I.		
,, How the above Acts to be read in applying them to the—	,,	II.		
,, Magistrates or Justices of the Peace in the—shall be deemed Magistrates within the meaning of Act III. of 1844.	,,	III.		

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1850.			
Straits Settlements—Penalty for persons failing to attend to give evidence before any Magistrate or Justice of the Peace.	XIV.	IV.		
Straits Settlements—(See Pawnbrokers.)				
Straits Settlements—(See Beggars.)				
Subathoo and its annexed Territories no longer subject in Civil cases to the Agra Sudder Court, except as to cases now before it.....	XXXII.	I.	.....	North Western Provinces.
Sudder Ameens—No person by reason of place of birth or of descent exempted from the jurisdiction of— ..... (See Acts.)	III.	I.	.....	Madras Presidency.
Sudder Board of Revenue in the Lower Provinces and the Board of Customs, Salt and Opium, consolidated.	XLIV.	II.	.....	Bengal.
„ The Board how to be styled hereafter. (See Board of Revenue.)	„	III.		
Sudder Dewanny Adawlut—(See Appeals.				
T.				
Tobacco—Special duties leviable on— imported into the Island of Bombay.	XXIV.	II.	.....	Bombay.
„ Drawback not allowable except as provided.....	„	III.		
„ This Act not to affect the provisions of any former Law for enforcing payment of the Special duty.	„	IV.		
Towns—Improvement of—(See Municipal Improvements				
Tributary Mehals in Cuttack—(See Cuttack.)				
Trust—(See Breach of.)				
„ (See Public Accountants.)				
V.				
Vagrants—(See Beggars.)				
Z.				
Zemindaries—Boundary disputes concerning—in the Tributary Mehals in Cuttack—(See Cuttack.)				

Calcutta, 1851:—Printed at the Bengal Military Orphan Press, by W. Palmer.

Digitized with financial assistance from
Shri Brihad Bhartiya Samaj
on 31 October, 2019